

ENVIRONMENTAL PROTECTION

Division of County Environmental and Waste Enforcement Programs

Bureau of Solid Waste Compliance & Enforcement

Proposed amendments: N.J.A.C. 7:26-5.4 and N.J.A.C. 7:26H-5.18

Proposed new rule: N.J.A.C. 7:26-5.10 (change current 5.10 to 5.11)

Authorized by: Bradley M. Campbell, Commissioner,
Department of Environmental Protection.

Authority: N.J.S.A. 13:1D-1 et seq.; 13:1B-3
13:1E-1 et seq.; 13:1D-125 et seq.

DEP Docket No:

Proposal Number: PRN 2001-

A public hearing concerning this proposal will be held on

Date:

Time:

New Jersey Department of Environmental Protection
Public Hearing Room
401 East State Street
Trenton, NJ 08625

Submit written comments by _____, 2004 to:

Leslie Ledogar, Esq.

Attention: DEP Docket Number _____

Office of Legal Affairs

P.O. Box 402

Trenton, New Jersey 08625-0402

Comments on disk:

The Division of County Environmental and Waste Enforcement Programs wishes to review comments on diskette to reduce the time and staff necessary to respond to public comments. The Division requests that any commenter who has access to word processing software submit comments on this proposal to the Department on paper as well as on 3-1/2 inch diskettes. The Division will use the paper version to ensure that the uploading was accomplished successfully. Submission of the disk is not a requirement; the Department will accept all comments submitted in writing prior to the end of the comment period.

The Division prefers Microsoft Word 97, WordPerfect 5.x or 6.0, and ASCII, but can convert and review many other formats as well. Macintosh formats should not be used. Any commenter who wishes to use software not mentioned above may contact John Barry at (609) 584-4250 to check compatibility.

Text enhancements such as underlines, bold, etc., are often not converted correctly between software documents. Therefore, when suggesting text revisions, commenters should show the text as they desire to see it in the rule.

Comments on the proposal summary should be included with comments on the pertinent section of the rule text, wherever possible, to eliminate duplicative comments and facilitate the Department's task of organizing and responding to comments. Since comments

will be sorted electronically, the following format should be used for each comment:

(tab)citation(tab)COMMENT: Company name followed immediately with the phrase believes that and comment text. For example:

1.7(e) COMMENT: ABC Corporation believes that the exemption from solid waste facility permitting for on-site disposal of construction and vegetative waste removed in preparation for new construction should be retained by the Department.

3.1 COMMENT: ABC Corporation believes that it is not necessary for the Department to register and license used oil transporters.

The agency proposal follows:

Summary

The Department of Environmental Protection (Department) is proposing to modify and supplement its Solid Waste Rules found at N.J.A.C. 7:26-1 et seq. by amendments to N.J.A.C. 7:26-5.4 and its Utility Regulations found at N.J.A.C. 7:26H-1 et seq. by amendments to N.J.A.C. 7:26H-5.18 and the addition of a new rule at N.J.A.C. 7:26-5.10. The proposed amendments identify violations of the Solid Waste Rules and Utility Regulations as either minor or non-minor for the purpose of providing grace periods in accordance with P.L. 1995, c. 296 (N.J.S.A. 13:1D-125 et seq.) Fast Track Compliance Law, commonly called the Grace Period Law. The proposed new rule

language sets forth how the Department will respond to any violation identified as minor.

The Department and local government agency reserve discretion to treat violations labeled non-minor as minor if the particular circumstances meet all of the statutory requirements. The Department and local government agency also reserve their discretion to forego enforcement action if an incident that might otherwise be deemed a minor violation was unavoidable and is being immediately and adequately addressed.

On December 22, 1995, the Legislature enacted the Fast Track Compliance Law, which provides for the establishment of a process ensuring consistent application of grace (compliance) periods for minor violations of certain environmental statutes. Pursuant to that law, the Department is required to designate, through rulemaking, certain types of violations of rules contained in sixteen environmental statutes as minor or non-minor violations. Under the law, any person responsible for a minor violation is afforded a period of time by the Department to correct the violation in order to avoid being subject to a penalty. If the minor violation is corrected as required, then no penalty is assessed. In those cases where a violation is not corrected within the grace period, the Department may pursue enforcement action in accordance with applicable statutory authority including, but not limited to, the assessment of penalties as may be appropriate and the exercise of the Department's traditional, judicially recognized enforcement discretion.

The law does not affect the Department's enforcement authority, including the exercise of enforcement discretion regarding non-minor violations. For example, in labeling a violation as minor the Department cannot know in any particular case whether or not a violation is purposeful, knowing, reckless or criminally negligent until that case arises. In those situations where a violation

is labeled as minor, but in fact the specific violation as it occurred does not fulfill all the statutory requirements, the Department is reserving its discretion to treat the violation as non-minor.

In designating, through rulemaking, types or categories of violations as minor, the Department must apply the criteria set forth in the law at N.J.S.A. 13:1D-129. These criteria are as follows:

- (1) The violation is not the result of the purposeful, knowing, reckless or criminally negligent conduct of the person responsible for the violation; and
- (2) The violation poses minimal risk to the public health, safety and natural resources; and
- (3) The violation does not materially and substantially undermine or impair the goals of the regulatory program; and
- (4) The activity or condition constituting the violation has existed for less than 12 months prior to the date of discovery by the Department; and
- (5)
 - (a) The person responsible for the violation has not been identified in a previous enforcement action by the Department as responsible for a violation of the same requirement of the same permit within the preceding 12 month period; or
 - (b) In the case of a violation that does not involve a permit, the person, as defined in

the Act, responsible for the violation must not have been identified by the Department in a previous enforcement action as responsible for the same or a substantially similar violation at the same facility within the preceding 12 month period; and

(6) The violation is capable of being corrected and compliance achieved within the time prescribed by the Department.

The law also requires that the Department establish the length of the correction period, which may be no less than 30 days or more than 90 days, based upon the nature and extent of the minor violation and a reasonable estimate of the time necessary to achieve compliance. The Department may establish a special class of minor violations that, for public health and safety reasons, must be corrected within a period of less than 30 days. The Department or local government agency, as the case may be, may extend for an additional period not to exceed 90 days the time within which a minor violation is to be corrected.

The Solid Waste Program is among the programs to which the Fast Track Compliance Law applies. In order to obtain assistance in the development of these regulations, the Department initiated an informal process to discuss and receive input from interested parties. As part of this process, it developed a discussion document setting forth a proposed list of minor and non-minor violations for the Solid Waste Program and conducted a series of workshops to provide an opportunity for interested parties to discuss the proposed list and provide comments and raise issues. The Department conducted workshops on December 3, 1996, April 24, 1997 and September 13, 2004 to discuss the application of the Fast Track Compliance Law to this program. This proposal,

which identifies minor and non-minor violations of the Solid Waste Program and provides the terms and conditions by which a grace period shall be afforded, reflects consideration of the input obtained at those workshops.

The Solid Waste Management Rules were adopted to establish standards and requirements for the management of solid waste within the state of New Jersey. Activities addressed by these rules include registration, operation, maintenance and closure of solid waste facilities, registration, operation and maintenance of solid waste transport vehicles; permit and others fees charged by the Department, civil administrative penalty assessments and other enforcement actions

N.J.A.C. 7:26-5 and N.J.A.C. 7:26H-5, Civil Administrative Penalties and Requests for Adjudicatory Hearings establish civil administrative penalty assessment procedures and civil administrative penalty amounts for solid waste and recycling violations of the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., (for the purpose of this subchapter, hereinafter the Act), or any rule promulgated, or any administrative order, permit, license or other operating authority issued, pursuant to the Act. This subchapter also establishes procedures for requesting adjudicatory hearings, subsequent to the assessment of civil administrative penalties or the issuance of administrative orders.

N.J.A.C. 7:26-5.4 and N.J.A.C. 7:26H-5.18 create a minimum or base penalty for each of the listed violations. All violations are treated similarly for the same violation, thereby eliminating competitive advantages and disadvantages which might be gained by similarly situated businesses that are in compliance or in violation of the Act. In fixing the base penalties, the Department assumes the

optimal or least aggravating circumstances for each of the statutory criteria; that the violator has been fully cooperative and has promptly implemented all appropriate mitigation or prevention measures, and has an otherwise satisfactory compliance or operating history. As to the monetary amount for each violation, each base penalty reflects the Department's expertise in administering the solid waste and recycling programs and the potential impact of each violation. The base penalties establish an amount determined to be minimally necessary to help deter future violations. In this regard, the base penalties assume that the violation was neither intentional nor even negligent, except as may otherwise be implicit in the particular infraction. To the extent violations are known to have occurred within the prior two years, however, the base penalty will be increased by severity factors in section N.J.A.C. 7:26-5.4(f) and N.J.A.C. 7:26H-5.18(e).

The Department notes that, of the criteria provided by the Fast Track Compliance Law, only criteria (2), (3) and (6) may be applied generally. Specifically, the Department has determined that each violation may be potentially minor upon a finding based upon the following:

- (2) The violation poses minimal risk to the public health, safety and natural resources;
- (3) The violation does not materially and substantially undermine or impair the goals of the regulatory program;
- (6) The violation is capable of being corrected and compliance achieved within the time prescribed by the Department.

The additional statutory criteria, (1), (4) and (5), regarding respectively, the intent of the violator, the duration of the violation and whether it is a repeat offense can be applied only on a case by case basis. Thus, each violation listed at N.J.A.C. 7:26-5.4 and N.J.A.C. 7:26H-5.18 which is identified as minor will be eligible for a grace period upon the condition that it meets these additional three criteria as set forth above.

In preparing the proposed lists of minor and non-minor violations, the Department is using each program's existing regulations as a starting point and is proposing each list and related provisions in a form that is most appropriate to the format of the existing rule. Violations are set forth in a table at N.J.A.C. 7:26-5.4 and N.J.A.C. 7:26H-5.18 in the current Solid Waste Program Rules. The current table contains three columns setting forth the citation, summary describing the violation and base penalty. The Department proposes to delete the current tables and replace them with updated tables, which include two additional columns. The first proposed column identified as Viol. Minor (M), Non-minor (NM), identifies each violation listed in the current rule as minor or non-minor in accordance with the standards provided by law and which are set forth above. The second proposed column, identified as Grace Period provides for a grace period or period of time within which the violation must be corrected.

In addition to the two new columns, the Department has updated the violation tables to include an additional citation at N.J.A.C. 7:26-3.4(m); additional citations in the Used Oil Regulations found at N.J.A.C. 7:26A-6; changes and/or additions to the Universal Waste Regulations found at N.J.A.C. 7:26A-7, as well as the Federal Code of Regulations (CFR), found at 40 CFR 273, that have been incorporated by reference, that occurred since the last update to the rule

summary tables; and the inclusion of a base penalty for N.J.A.C. 7:26-6.12(b), compliance with the applicable district solid waste management plan.

The Department reserves the right to cite regulations it may have inadvertently missed through its review of State solid waste and utility regulations. These violations, once cited, will be reviewed in accordance with the standards provided by law and subsequently proposed for promulgation, including a designation as minor or non-minor.

The Department is proposing a new section, at N.J.A.C. 7:26-5.10, which provides the grace period conditions for minor violations. Where such a violation has been identified, the Department will issue an order or notice of violation to the person responsible. That document will identify the condition or activity that constitutes the violation, the regulatory provision or other requirement violated and provide the time period within which the violation must be corrected as set forth in the violations table at N.J.A.C. 7:26-5.4(g) and N.J.A.C. 7:26H-5.18(e). The document will also provide that no penalty will be assessed if the violation is corrected as required. In the case of a non-minor violation or if a minor violation is not corrected as required, the Department will proceed with appropriate enforcement action in accordance with its authority pursuant to law.

Social Impact

The Solid Waste rules will continue to provide reasonable and necessary standards for the regulation and management of solid waste and to provide a positive social impact by outlining specific standardized procedures for regulating the collection, transportation, storage, handling, treatment, processing, recycling, recovery and disposal of solid waste. The regulations will continue to allow for the management and handling of solid waste in a manner which protects public health, safety and welfare. N.J.A.C. 7:26-5 and N.J.A.C. 7:26H-5.18, Civil Administrative Penalties and Requests for Adjudicatory Hearings will continue to benefit the public by discouraging noncompliance with the Act, or associated rules, administrative orders, permits, licenses or other operating authorities issued by the Department.

The pre-proposed amendments to N.J.A.C. 7:26-5 and N.J.A.C. 7:26H-5.18 and the pre-proposed new rule at N.J.A.C. 7:26-5.10 would also help encourage a greater sense of cooperation between the Department and the regulated community. By removing the threat of penalties for certain types of violations where compliance is achieved within the time specified, the proposed rules will encourage the regulated community to take positive action toward achieving compliance.

Economic Impact

The establishment of grace periods for certain violations of the Solid Waste Rules will provide an incentive to facilities to correct these violations by not assessing penalties if correction occurs within the time required. Accordingly, it will not impose any additional requirements upon the regulated community and, therefore not impose any additional economic burden. The proposed

new rule is, however, anticipated to have a positive economic impact by removing the assessment of monetary penalties for certain types of violations where compliance has been achieved as required.

Environmental Impact

The rules have had and will continue to have a positive environmental impact by providing for the regulation of the management and disposal of solid waste and assuring that solid waste facilities are properly closed and maintained in post closure. The penalty provisions of the rule will continue to provide a deterrent to those who would violate the regulatory requirements. However, by allowing a violator an opportunity to correct certain violations within the time provided and thereby avoid a penalty, it is anticipated that this rule proposal will also help to encourage the regulated community to correct certain types of violations in a timely manner. This will help remove any potential risk these minor violations may have created and will, therefore, result in an additional positive environmental impact.

Federal Standards Analysis

P.L. 1995, c.65 and Executive Order No. 27 (1994) require State agencies which adopt, readopt, or amend any rule or regulation, to provide a comparison with Federal law, and to provide further discussion and analysis (including cost-benefit analysis) if the standards or requirements imposed by the agency exceed standards or requirements imposed by Federal law.

The Department has conducted such an analysis of this pre-proposed rule amendment and

new rule and has determined that it contains no provision or standard that exceeds any standards or requirements imposed by Federal law.

Jobs Impact

The proposed new rule will not have an adverse impact upon jobs within the State and may result in a positive impact. Where a facility has corrected a minor violation within the time required, no penalty will be assessed and this will result in a cost saving to a facility at which a violation has occurred. It is, however, uncertain if any cost savings thus realized will result in a positive job impact. As with any cost savings, each member of the regulated community will use any additional funds which may become available in accordance with its own specific goals and priorities. For example, a facility could elect to make other business expenditures, increase its dividends to share holders, increase its compensation to its current employees, reduce the costs of goods or services sold, or increase employment. Because each member of the regulated community may respond differently, it is not possible to accurately estimate the extent, if any, to which this new rule will affect employment.

Agriculture Industry Impact

In accordance with P.L. 1998, c. 48, an act amending the Right to Farm Act, the Department has reviewed this rule proposal and has determined that it will have little or no impact upon the Agriculture Industry. If there is any effect at all upon members of the agricultural industry, it is anticipated that such effect will be to afford those members the same opportunity as others to correct certain types of violations in a manner as provided by the rule and thereby avoid a possible penalty

assessment.

Regulatory Flexibility Analysis

In accordance with the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., small businesses are defined as those which are independently owned and operated, not dominant in their field and which employ fewer than 100 full time employees. The establishment of grace periods will allow a person responsible for a violation to avoid penalties if the violation is corrected within the time provided. It is, therefore, anticipated that the rule will encourage violators to achieve compliance in a timely fashion. The proposed new rule will not, however, impose any additional compliance requirements upon the regulated community over what currently exist. In the event that a person responsible for such a violation elects not to comply with the grace period conditions, the Department will pursue the enforcement action in accordance with its current enforcement procedures.

Smart Growth Impact

Executive Order No. 4 (2002) requires State agencies which adopt, amend or repeal any rule adopted pursuant to Section 4(a) of the Administrative Procedure Act, to describe the impact of the proposed rule on the achievement of smart growth and implementation of the New Jersey State Development and Redevelopment Plan (State Plan). The Department has evaluated this rulemaking to determine the nature and extent of the proposed rules' impact on smart growth and the implementation of the State Plan. The proposed rules do not involve land use policies or

infrastructure development and therefore do not impact the achievement of smart growth.

Full text of the rule amendments and new rule follows (additions indicated in underline and boldface

thus; deletions indicated in brackets [thus]):

7:26-5.4 Civil administrative penalties for violations of rules adopted pursuant to the Act

(a) – (f) (No change)

[(g) The Rule Summary in this subsection, which summarizes certain provisions in N.J.A.C. 7:26 and 7:26A, is provided for informational purposes only. In the event that there is a conflict between the rule Summary in this subsection and a provision in N.J.A.C. 7:26 and N.J.A.C. 7:26A, then the provisions in N.J.A.C. 7:26 and N.J.A.C. 7:26A shall prevail.

1. The violations of N.J.A.C. 7:26-1, General Provisions, and the civil administrative penalty amounts for each violation, are as set forth in the following table.

Rule N.J.A.C.	Rule Summary	Base Penalty
7:26-1.7(b)	Failure of owner of operator of any facility exempted under N.J.A.C. 7:26-1.7 to comply with all conditions set forth in its certificate of authority to operate	\$2,000

2. The violations of N.J.A.C. 7:26-2, Disposal, and the civil administrative penalty amount for each violation, are set forth in the following table.

Rule N.J.A.C.	Rule Summary	Base Penalty
7:26-2.7(b)1	Failure of permittee to apply for a permit	

	renewal at least 90 days prior to the expiration date of the existing SWF permit.	\$2,000
7:26-2.8(b)	Failure of permittee to submit a statement updating the information contained in the initial registration statement.	\$2,000
7:26-2.8(c)	Failure of permittee to notify the Department within 30 days of any change of information in the registration statement.	\$2,000
7:26-2.8(e)	Failure to apply and receive approval of a SWF permit prior to engaging in the disposal of solid waste in this State.	\$2,000
7:26-2.8(f)	Failing to obtain a SWF permit prior to constructing or operating a solid waste facility.	\$5,000
7:26-2.8(j)	Failure to meet all conditions, restrictions, requirements of any other provision set forth in SWF permit.	\$2,000
7:26-2.8(k)	Failure to receive Department approval prior to modifying, revising or otherwise changing a permit condition.	\$2,000
7:26-2.8(l)	Failure to receive Department approval prior to transferring ownership of a SWF permit.	\$5,000
7:26-2.11(b)1	Failure of operator to clean areas where waste has been deposited or stored within each 24 hour period, for sanitary landfills all areas where waste has been deposited shall be covered.	\$2,000
7:26-2.11(b)2	Failure to ensure any waste stored overnight at any facility is effectively treated.	\$2,000
7:26-2.11(b)3	Failure to maintain facility property surrounding the disposal area free of litter, debris, unprocessed waste, processed residues and effluents.	\$3,000
7:26-2.11(b)4	Failure to implement dust control methods	\$2,000
7:26-2.11(b)5	Failure to ensure no odors are detected off-site.	\$4,000
7:26-2.11(b)6	Failure to maintain all facility system in a manner that facilities proper operation and minimizes system downtime.	\$2,000
7:26-2.11(b)7	Failure to maintain an adequate water supply and adequate fire-fighting equipment.	\$5,000
7:26-2.11(b)8	Failure to control insects, other arthropods and rodents.	\$3,000
7:26-2.11(b)9	Failure to comply at all times with the conditions of SWF permit.	\$2,000

7:26.2.11(b)10	Failing to ensure waste is not received in excess to the system's designed capacity.	\$2,000
7:26-2.11(b)11	Failure to operate the facility in a manner that employs the use of equipment and other techniques as identified in the facility's SWF permit.	\$2,000
7:26-2.11(b)12	Failure to maintain an approved O&M manual at the facility, changes to be submitted, at a minimum, on an annual basis.	\$3,000
7:26-2.11(c)1	Failure to admit only properly registered solid waste vehicles for loading or unloading of any solid waste.	\$3,000
7:26-2.11(c)2	Failure to designate a secure area where solid waste may be unloaded from vehicles exempt from registration under N.J.A.C. 7:26-3.3	\$2,000
7:26-2.11(c)3	Failure to designate a secure area where unpermitted waste can be deposited.	\$2,000
7:26-2.11(c)4	Failure to maintain a record of the quantity of each waste type accepted for disposal.	\$5,000
7:26-2.11(c)5	Failure to provide a means of cleaning vehicle tires of debris.	\$2,000
7:26-2.12(b)	Failure of generators of asbestos containing waste materials to submit a complete written notification of intent to demolish, 10 days prior to beginning the demolition activity.	\$1,000
7:26-2.12(c)	Failure of generators of asbestos containing waste material to submit a complete written notification of intent to renovate, 10 days prior to beginning the renovation activity.	\$1,000
7:26-2.13(a)7	Failure to maintain a daily record of asbestos waste and make appropriate submittals.	\$3,000
7:26-2.13(a)8	Failure to maintain additional required reports in the daily record.	\$2,000
7:26-2.13(c)1	Failure of facility operator to verify the O and D form.	\$2,000
7:26-2.13(e)	Failure to submit monthly summaries of waste to the Department.	\$3,000
7:26:2.14(j)	Failure of SWFPPA permittee to prepare and submit a complete annual progress report.	\$2,000

7:26:2.14(k)	Failure of SWFPPA permittee to conduct a complete facility wide benchmark audit not less than once every five years.	\$2,000
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3. The violations of N.J.A.C. 7:26-2A, Additional Specific Disposal Regulations for Sanitary Landfills, and the civil administrative penalty amounts for each violation, are as set forth in the following table.

Rule N.J.A.C.	Rule Summary	Base Penalty
7:26-2A.8(b)1	Failure to confine working face to the smallest practical area.	\$2,000
7:26-2A.8(b)2	Failure to compact waste to yield smallest volume.	\$2,000
7:26-2A.8(b)3	Failure to compact waste in shallow layers; or compacting waste over leachate collection pipes per N.J.A.C. 7:26-2A.7(d)3xiv.	\$2,000
7:26-2A.8(b)4	Failure to ensure lift height of daily cell does not exceed 12 feet.	\$2,000
7:26-2A.8(b)5	Failure to ensure slope is no steeper than 3:1. Failure of balefill operations to comply with working face requirements.	\$2,000
7:26-2A.8(b)6	Failure to obtain department approval of separate areas for storage of demolition waste or recyclable materials.	\$2,000
7:26-2A.8(b)7	Failure to cover exposed surfaces of solid waste at close of each operating day with daily cover.	\$2,000
7:26-2A.8(b)8	Failure to progressively apply daily cover.	\$2,000
7:26-2A.8(b)9	Failure to apply intermediate cover (a minimum of 12 inches of earth) to surfaces exposed more than 24 hours.	\$2,000
7:26-2A.8(b)10	Failure to maintain grade, thickness and integrity of intermediate and final cover.	\$2,000
7:26-2A.8(b)11	Failure to grade areas with intermediate cover to facilitate drainage.	\$2,000
7:26-2A.8(b)12	Failure to use appropriate daily and intermediate cover materials; not maintaining sufficient quantity of cover at site; not maintaining standby supply of	\$2,000

	cover within boundaries.	\$2,000
7:26-2A.8(b)13	Failure to construct final cover in accordance with N.J.A.C. 7:26-2A.7(i) and to apply it to all surfaces.	\$2,000
7:26-2A.8(b)20	Failure to maintain sufficient types and quantities of equipment to adequately meet the requirements of (b) 7 through (10) above.	\$2,000
7:26-2A.8(b)21	Failure to maintain steel wheel type compactors of at least 45,000 pounds.	\$2,000
7:26-2A.8(b)22	Failure to equip landfill equipment with safety devices.	\$5,000
7:26-2A.8(b)23	Failure, in the case of breakdown of equipment, to repair or obtain replacement within 24 hours; or to include a maintenance contract in O & M plan.	\$2,000
7:26-2A.8(b)24	Failure to limit access for disposal to operating hours only.	\$2,000
7:26-2A.8(b)25	Failure to secure landfill with a six-foot high chain link fence.	\$2,000
7:26-2A.8(b)27	Failure to maintain all weather road to working face.	\$2,000
7:26-2A.8(b)28	Failure to control litter.	\$3,000
7:26-2A.8(b)29	Failure to control dust by spraying water or equivalent.	\$2,000
7:26-2A.8(b)30	Failure to eliminate emissions which result in odors detectable in areas of human use or occupancy beyond boundary line; or to control the odors by use of daily cover; or to immediately cover odorous waste with minimum six inches of cover.	\$4,000
7:26-2A.8(b)31	Failure to control the off-site tracking of mud and soil.	\$2,000
7:26-2A.8(b)32	Failure to minimize the propagation and harborage of insects, rodents, and birds.	\$2,000
7:26-2A.8(b)33	Failure to protect all monitoring devices and environmental systems from damage.	\$5,000
7:26-2A.8(b)37	Failure to have supervisor on site in order to insure proper operation, evaluate monitoring data and inspection reports, determine performance of landfill, implement all operational decisions and	

	ensure compliance with N.J.S.A. 13:1E-1 et seq., this chapter and the SWF Permit.	\$5,000
7:26-2A.8(b)38-41	Failure to ensure that landfill personnel complete a program of on-the-job training, all personnel complete training program within six months after date of employment, all personnel take part in annual update of initial training program, keep records of training received by personnel until closure.	\$2,000
7:26-2A.8(c)	Failure to maintain environmental control systems in functioning manner, or to inspect them.	\$5,000
7:26-2A.8(d-e)	Failure to perform inspections required by (c) above on a weekly basis and after storm events, and comply with record-keeping requirements.	\$3,000
7:26-2A.8(f)	Failure to operator to make repairs in accordance with N.J.A.C. 7:26-2A.8(b)28 and O&M manual, if deterioration or malfunction occurs.	\$2,000
7:26-2A.8(g)	Failure to maintain and inspect sanitary landfill according to requirements.	\$2,000
7:26-2A.8(h)	Failure to monitor in accordance with parameters and schedules.	\$5,000
7:26-2A.8(i)	Failure to submit an annual topographic survey prepared according to N.J.A.C. 7:26-2A.8(i)1 through 4 by May 1 of each year.	\$2,000
7:26-2A.8(j)1	Failure to obtain written approval of the Department prior to disruption/excavation.	\$2,000
7:26-2A.8(j)3(g)	Failure to keep area of excavation consistent with amount of equipment, and to keep excavation to smallest practical failure of solid waste composting and co-composting facility to ensure incoming, unprocessed waste is not mixed with finished compost.	\$2,000
7:26-2B.7(h)	Failure of solid waste composting and co-composting facility to comply with 15 month finished compost storage requirement.	\$1,000
7:26-2B.7(i)	Failure of solid waste composting and co-composting facility to comply with recordkeeping requirements.	\$2,000
7:26-2B.7(j-n)	Failure of solid waste composting and co-composting facility to comply with	

	monitoring and sampling requirements.	\$3,000
7:26-2B.7(o)	Failure of solid waste composting and co-composting facility to comply with labeling requirements.	\$2,000
7:26-2B.7(p)	Failure of solid waste composting and co-composting facility to comply with USEPA 40 CFR 503 general requirements.	\$2,000
7:26-2B.8(d)	Failure of the owner or operator to conduct inspections as indicated in the approved final O&M manual in order to identify and remedy any problems and comply with recordkeeping requirements.	\$3,000
7:26-2B.8(f)	Failure of the owner or operator to implement waste receiving area control procedures that provide for the inspection of the incoming waste stream for the purpose of removing nonprocessable or potentially explosive materials prior to the initiation of processing.	\$3,000
7:26-2B.8(g)	Failure, should the facility experience equipment or system malfunction to the extent that the waste received cannot be handled or processed in the normal manner, of the operator to notify the Department of the existence of such a situation and circumstances contributing to the situation within the same working day of its occurrence.	\$2,000
7:26-2B.8(i)	Failure to store unprocessed incoming waste, facility process waste residues and effluents, and recovered materials in bunkers, pits, bins, or similar containment vessels and to keep at all times at levels that prevent spillage or overflow.	\$2,000
7:26-2B.8(j)	Failure to keep waste delivery tipping hall doors closed during non-processing or non-receiving hours.	\$2,000
7:26-2B.8(k)	Failure to schedule the delivery of waste to the facility and the removal of residues and recovered products from the site so as to eliminate traffic backups and allow for fluid vehicular movement on site.	\$2,000
7:26-2B.8(l)	Failure to ensure that samples and measurements taken for the purpose of monitoring facility process and treatment	

	operations are representative of the process or operation and are performed with the conditions of the facility's SWF permit.	\$5,000
7:26-2B.8(m-r)	Failure of the operator to comply with waste determination, waste analysis and required recordkeeping.	\$5,000
7:26-2B.8(s)	Failure of the owner or operator to have a 24-hour surveillance system which continuously monitors and controls entry to the facility or an artificial or natural barrier which completely surrounds the facility.	\$5,000
7:26-2B.8(t)	Failure of a facility to maintain required personnel, supervisor, boiler operator, licensed engineer to assure the proper and orderly operation of all system components, along with the ability to handle all routine facility maintenance requirements.	\$5,000
7:26-2B.8(u)	Failure to ensure that all personnel complete an initial program of classroom instruction and on-the-job training, training program directed by a person thoroughly familiar with the technology, ensure that facility personnel respond to any malfunction or emergency situation, complete the initial training program within six months, planned annual review of the initial training, records document the type and amount of training received, kept until closure, former employees records kept for at least one year.	\$2,000

5. The violations of N.J.A.C. 7:26-3, Transportation, and the civil administrative penalty amounts for each violation, are as set forth in the following table.

Rule N.J.A.C.	Rule Summary	Base Penalty
7:26-3.2(a)	Failure to obtain an approved registration statement from the Department prior or to engaging in the transportation of solid waste.	\$8,000
7:26-3.2(a)2	Failure to ensure that any device used for the transportation of solid waste is	

	registered with the Department.	\$2,000
7:26-3.2(a)4	Failure of registrant to ensure registered vehicles, cabs, containers, etc. are not used, controlled or possessed by any other person.	\$5,000
7:26-3.2(c)	Failure to comply with any conditions or limitations which may be specified on the approved registration.	\$5,000
7:26-3.2(d)	Failure of a registrant to submit a transporter registration renewal updating information contained in the previous registration statement.	\$2,000
7:26-3.2(e)	Failure of registrant to notify the Department within 30 days of any change in the registration statement	\$2,000
7:26-3.4(b)	Failure to deposit all collected solid waste at an approved facility.	\$5,000
7:26-3.4(c)	Failure to ensure solid does not remain or is stored in any solid waste vehicle in excess of 24 hours, unless an emergency.	\$2,000
7:26-3.4(d)	Failure to ensure design of solid waste vehicle is such that it will not cause spillage onto roadways.	\$2,000
7:26-3.4(e)	Failure to ensure solid waste vehicle is not loaded beyond its design capacities or in such a manner that will cause spillage onto roadways.	\$2,000
7:26-3.4(f)	Failure to keep all solid waste vehicles in good working condition and to provide a means of continuous service in the event an emergency arises.	\$2,000
7:26-3.4(g)	Failure to protect property of customer.	\$2,000
7:26-3.4(h)	Failure to properly mark each solid waste vehicle or to carry current DEP registration certificate.	\$2,000
7:26-3.4(i)	Failure to use tarpaulins as needed.	\$2,000
7:26-3.4(j)	Failure to access or exit a solid waste facility pursuant to the district management plant or SWF permit.	\$2,000
7:26-3.5(a)1	Failure to design all solid waste vehicles used for the transportation of sewage sludge to preclude any spillage or leakage onto roadways.	\$2,000
7:26-3.5(a)2	Failure to ensure sewage sludge and	

	other fecal material is not intermixed with other wastes of a chemical or industrial nature.	\$5,000
7:26-3.5(b)	Failure to design all solid waste vehicles used for the transportation of bulky waste to preclude any spillage.	\$2,000
7:26-3.5(c)	Failure to ensure radioactive material and lethal chemicals are not transported in or through this State without prior approval from authorities having jurisdiction, and from the Department.	\$5,000
7:26-3.5(d)1	Failure to design all solid waste vehicles used for the transportation of asbestos waste so as to preclude any spillage leakage or emissions therefrom.	\$3,000
7:26-3.5(d)2	Failure to package asbestos for transportation in accordance with 40 CFR 61.152 and N.J.A.C. 7:26-2.12.	\$5,000
7:26-3.5(d)3	Failure to transport asbestos in a manner that prevents the rupture of containers in loading, transporting and unloading operations.	\$5,000
7:26-3.5(d)4	Failure to transport collected asbestos directly from the point of generation to the solid waste landfill permitted to receive such wastes.	\$5,000
7:26-3.5(d)6	Failure to ensure no visible air emissions are generated during loading, transporting, or unloading operations.	\$5,000
7:26-3.5(g)2	Failure of transporter to complete and sign O and D form prior to disposal	\$2000
7:26-3.7(a)	Failure to ensure waste materials to be collected and transported show no evidence of smoking, smoldering or burning.	\$5,000

6. The violations of N.J.A.C. 7:26-3A, Regulated Medical Waste, and the civil administrative penalty amounts for each violation, are as set forth in the following table. The lesser penalty amount applies to persons registered in generator categories 1 through 3 (<300 lbs/year). The larger penalty amount applies to persons registered in generator categories 4 and 5 (>300 lbs/year).

		Base
Rule	Rule Summary	Penalty

N.J.A.C.

7:26-3A.8(a)	Failure of a generator of RMW to register with the Department.	\$1,500 \$5,000
7:26-3A.8(a)1	Failure of a generator of RMW to register in the proper category.	\$1,000
7:26-3A.8(b)1	Failure of a commercial transporter of RMW to register with the Department.	\$5,000
7:26-3A.8(b)2	Failure of a non-commercial transporter of RMW to register with the Department.	\$2,500
7:26-3A.8(c)	Failure of commercial intermediate handlers and owner/operators of destination facilities to register with the Department.	\$5,000
7:26-3A.8(c)3	Failure of a non-commercial collection facility or an intermediate handler treating their own waste to register with the Department.	\$2,000
7:26-3A.8(d)1	Failure of commercial collection facility to register with the Department.	\$5,000
7:26-3A.8(d)5,6	Failure of a non-commercial collection facility to register with the Department.	\$2,000
7:26-3A.9	Failure of transporters', intermediate handlers' and destination facilities' supervisory personnel to attend an education and training session and disseminate information to employees.	\$2,000
7:26-3A.10(a)	Failure of generators of RMW to segregate for off-site transport prior to placement in containers.	\$1,000 \$3,000
7:26-3A.10(d)	Failure to handle a package of RMW mixed with other waste as RMW.	\$1,000 \$3,000
7:26-3A.11	Failure of a generator to ensure that RMW is properly packaged before transporting or offering for transport offsite.	\$1,000 \$3,000
7:26-3A.12(a)	Failure to comply with RMW storage requirements.	\$1,000 \$3,000
7:26-3A.12(b)	Failure to comply with RMW storage periods.	\$500 \$1,000
7:26-3A.12(c)	Failure to secure sharps containers.	\$1,000 \$3,000
7:26-3A.13(a)	Failure to comply with container decontamination and reuse requirements.	\$1,000 \$3,000
7:26-3A.14(a)	Failure to comply with labeling requirements	\$500 \$1,000
7:26-3A.15(a)	Failure to comply with marking requirements.	\$500 \$1,000

7:26-3A.16(a)	Failure to determine if waste is RMW.	\$1,000
		\$3,000
7:26-3A.16(d)	Failure to use properly registered transporters.	\$1,000
		\$3,000
7:26-3A.16(e)	Failure to dispose of RMW at an authorized facility	\$5,000
		\$10,000
7:26-3A.16(h)	Failure to comply with home self-care RMW requirements.	\$500
		\$1,000
7:26-3A.16(i)	Failure to get approval from the departments prior to using an alternative or innovative technology for the treatment or destruction of RMW.	\$1,000
		\$5,000
7:26-3A.19	Failure of a generator to comply with tracking form requirements.	\$500
		\$2,000
7:26-3A.21	Failure to comply with generator record-keeping requirements.	\$500
		\$1,000
7:26-3A.22	Failure of generator to comply with exception reporting requirements.	\$500
		\$1,000
7:26-3A.25	Failure of generator with on-site incinerator to comply with recordkeeping requirements.	\$1,000
		\$3,000
7:26-3A.26	Failure of owner/operator of on-site incinerator to comply with reporting requirements.	\$1,000
		\$3,000
7:26-3A.27(i)	Failure of a transporter/collection facility to dispose of RMW stored in the vehicle within fourteen calendar days, or before it becomes putrescent.	\$2,000
7:26-3A.28	Failure of a transporter to comply with RMW acceptance requirements.	\$3,000
7:26-3A.30(a)1	Failure of vehicle to have fully enclosed, leak resistant cargo carrying body.	\$2,000
7:26-3A.30(a)2	Failure to ensure RMW does not become putrescent and is not subjected to mechanical stress or compaction during loading and unloading or during transit.	\$2,000
		\$2,000
7:26-3A.30(a)3	Failure to maintain cargo carrying body in good sanitary condition.	\$2,000
7:26-3A.30(a)4	Failure to securely lock unattended cargo carrying body.	\$5,000
7:26-3A.30(b)	Failure to comply with vehicle identification requirements.	\$1,000
7:26-3A.30(c)	Failure to manage RMW/solid waste	

	mixture as RMW.	\$5,000
7:26-3A.31	Failure of transporter to comply with tracking form requirements.	\$2,000
7:26-3A.32(a)	Failure to deliver entire quantity of RMW to intermediate hauler, destination facility or next transporter.	\$1,000
7:26-3A.32(b)	Failure to contact generator for directions and make changes accordingly, if RMW cannot be delivered as intended.	\$1,000
7:26-3A.33(a)	Failure to comply with requirements for consolidating waste to a new tracking form.	\$2,000
7:26-3A.34	Failure of transporter to comply with recordkeeping requirements.	\$3,000
7:26-3A.35	Failure of transporter to comply with reporting requirements.	\$3,000
7:26-3A.37(a)	Failure of transporter to have an approved RMW spill management plan.	\$2,000
7:26-3A.37(b)	Failure of transporter to have a RMW spill containment and cleanup kit at all sites and in all vehicles used for the storage, handling, collection, treatment and collection of RMW.	\$2,000
7:26-3A.38(b)6	Failure of RMW incinerator to ensure waste stored overnight is effectively treated.	\$2,000
7:26-3A.38(b)7	Failure to maintain facility property surrounding the disposal area free of litter, debris, unprocessed waste, processed residues and effluents.	\$2,000
7:26-3A.38(b)8	Failure to ensure no odors are detected off-site.	\$4,000
7:26-3A.38(b)9	Failure to maintain all facility systems in manner that facilitates proper operation and minimizes system downtime.	\$2,000
7:26-3A.38(b)10	Failure to maintain adequate water supply and fire fighting equipment, failure to post emergency numbers (fire, police, ambulance, hospital).	\$5,000
7:26-3A.38(b)11	Failure to effectively control insects, arthropods, rodents.	\$2,000
7:26-3A.38(b)12	Failure to maintain orderly operation and sanitary conditions.	\$2,000
7:26-3A.38(b)14	Failure to maintain O&M Manual at the facility.	\$3,000
7:26-3A.38(b)17	Failure of facility to accept RMW only from properly registered transporters.	\$2,000

7:26-3A.39(i)1	Failure to ensure stored waste does not exceed 300,000 pounds or amount as specified in authorization.	\$2,000
7:26-3A.39(i)2	Failure to ensure collection facility receives no more than 150,000 pounds of waste per day, or as otherwise indicated in authorization.	\$2,000
7:26-3A.39 (i)4	Failure to accept only RMW waste managed in accordance with N.J.A.C. 7:26-3A.	\$2,000
7:26-3A.39 (i)5	Failure to ensure only registered vehicles transport to and from facility.	\$2,000
7:26-3A.39 (i)6	Failure to ensure all waste at all times remains fully contained, and does not leak.	\$3,000
7:26-3A.39 (i)9	Failure to ensure no odors are detected off-site.	\$4,000
7:26-3A.39 (i)10	Odor causing waste to be disposed of immediately.	\$2,000
7:26-3A.39 (i)13	Failure to implement and maintain effective security procedures.	\$2,000
7:26-3A.39 (i)16	Failure to implement routine housekeeping and maintenance procedures.	\$2,000
7:26-3A.39 (i)17	Failure to ensure truck queuing is minimized, on-site traffic controls implemented.	\$2,000
7:26-3A.39 (j)2	Failure to ensure RMW is not staged, placed or stored beyond confines of facility or vehicle.	\$2,000
7:26-3A.39 (j)3	Failure to maintain O&M Manual at the facility.	\$3,000
7:26-3A.39 (j)6	Failure to comply with training program requirements.	\$2,000
7:26-3A.39 (j)7	Failure to maintain fire protection systems in operable condition, fire procedures posted.	\$5,000
7:26-3A.39 (j)8	Failure to ensure that noise levels do not exceed standards set forth in N.J.A.C 7:29..	\$4,000
7:26-3A.39 (j)9	Failure to maintain on site operating records, O&M manual.	\$3,000
7:26-3A.39(k)	Failure to maintain safety appliances in proper operating order, comply with O&M inspection schedules, maintain inspection records.	\$5,000
7:26-3A.40(c)3	Failure to comply with recordkeeping and reporting requirements.	\$3,000
7:26-3A.41	Failure of intermediate handlers and destination facilities to ensure only approved treatment and destruction processes authorized by NJDEP and DOH are utilized.	\$2,000
7:26-3A.42	Failure to comply with tracking form requirements.	\$2,000
	Failure to comply with tracking form	

	discrepancy requirements.	\$500
7:26-3A.43	Failure to comply with recordkeeping requirements.	\$3,000
7:26-3A.44	Failure to collection facilities, intermediate handlers and/or destination facilities to comply with additional reporting requirements.	\$2,000
7:26-3A.46	Failure of rail transporter to comply with tracking form requirements.	\$2,000
7:26-3A.47(a)	Failure of ensure alternative of innovative technology processes and any modifications are approved by the NJDEP and DOH prior to any marketing, sale or use in New Jersey.	\$5,000
7:26-3A.48(a,b)	Failure of an out-of-State organization using the U.S. Postal Service or other parcel service and disposing of regulated medical waste from New Jersey to comply with certification requirements.	\$2,000
7:26-3A.48(c)	Failure of a RMW generator to ensure that RMW waste is not sent to any out-of-State facility which does not have a certificate on file with the Department.	\$5,000
7. The violations of N.J.A.C. 7:26-6, Interdistrict and Intradistrict Solid Waste Flow, and the civil administrative penalty amounts for each violation, are as set forth in the following table.		
Rule N.J.A.C. 7:26-6.5	Rule Summary Failure to comply with the district waste flow plan.	Base Penalty \$10,000

8. The violations of N.J.A.C. 7:26A, Recycling Rules, and the civil administrative penalty amounts for each violation, are as set forth in the following table.

Rule N.J.A.C.	Rule Summary	Base Penalty
7:26A-3.1(a)	Failure of approved recycling center to comply with all approval conditions.	\$2,000
7:26A-3.5(f)	Failure of recycling center to post a legible sign at the recycling center	

	entrance indicating its approval and listing items detailed in 3.2(a)13i and ii.	\$500
7:26A-3.6	Failure to submit renewal application for a general approval to the Department at least three months prior to the current approval expiration and to comply with all submittal requirements.	
7:26A-3.7(j)	Failure, within 45 days after expiration of the time period authorized by the limited approval to operate a recycling facility, to file a final report with the Department.	\$1,000
7:26A-3.7(k)	Failure of persons operating a limited approved recycling center to ensure that no illegal dumping occurs.	\$2,000
7:26A-3.8(a)	Failure to limit processing methods for tires to slicing, shredding, chipping, crumbing or other methods approved by the Department, prohibition to incinerating, landfilling, abandoning or otherwise illegally disposing of tires.	\$2,000
7:26A-3.8(b)	Failure by the owner or operator of the tire recycling center to ensure that no mosquito colony formation develops.	\$3,000
7:26A-3.8(c)	Failure of a tire, tree stump, tree part or wood waste recycling center to have an approved fire control plan.	\$2,000
7:26A-3.9(a)	Failure of recycling center to ensure the temporary storage of Class B recyclable material does not exceed the amount indicated in the general or limited approval to operate.	\$5,000
7:26A-3.9(b)	Failure of recycling center to ensure that unprocessed Class B recyclable material is not stored in excess of one year from the date of receipt.	\$2,000
7:26A-3.10	Failure of recycling center to comply with modification requirements.	\$2,000
7:26A-3.15(a)	Failure to ensure a general or limited approval to operate a recycling center is not transferred without prior approval of the Department.	\$5,000
7:26A-3.15(c)	Failure to provide one copy of written request to transfer approval to the recycling coordinator and one copy to the	

	applicable municipal planning board.	\$2,000
7:26A-3.17(a)	Failure of recycling center to comply with recordkeeping and annual reporting requirements.	\$3,000
7:26A-4.1(a)1i	Failure of recycling center to ensure that recyclable material is separated at the point of generation from other waste material.	\$3,000
7:26A-4.1(a)1ii	Failure of recycling center to ensure only Class A, Class B or Class C materials are received, stored, processed or transferred at the center.	\$3,000
7:26A-4.1(a)1iii	Failure of recycling center to comply with commingling requirements.	\$2,000
7:26A-4.1(a)2	Failure of recycling center to ensure residue is not stored on-site in excess of six months.	\$2,000
7:26A-4.1(a)4	Failure of recycling center to store residue separately from recyclable material and in a manner which prevents run-off, leakage or seepage from the residue storage area into, on or around the soil of the residue storage area.	\$2,000
7:26A-4.1(a)5	Failure of recycling center to ensure hazardous wastes are not stored, processed or transferred at any recycling center.	\$5,000
7:26A-4.1(a)6	Failure of recycling center to ensure electronic components which contain polychlorinated biphenyls (PCBs) and which are attached to or detached from appliances or other scrap metal, are not shredded, sheared or baled.	\$5,000
7:26A-4.1(a)8	Failure to operate a recycling center in such a manner that the recycling center property is maintained free of litter and debris and such that tracking of mud into nearby streets is prevented.	\$2,000
7:26A-4.1(a)10	Failure of recycling center operator to ensure that traffic associated with the operation of the center does not result in a degradation of a level of service of any major intersection or public roadway within a half-mile radius	\$2,000
7:26A-4.1(a)11	Failure of recycling center operator to ensure recycling center operations are separated from	

	sensitive land uses by an effective visual screen buffer.	\$2,000
7:26A-4.1(a)12	Failure of recycling center operator to ensure unauthorized access to center is controlled.	\$2,000
7:26A-4.1(a)13	Failure of recycling center operator to ensure areas of vehicular usage are suitably compacted and, where necessary, paved.	\$2,000
7:26A-4.1(a)14	Failure of recycling center operator to have adequate water supply, firefighting equipment, and local fire department phone numbers posted.	\$5,000
7:26A-4.4(a)	Failure by the owner or operator of a recycling center to provide a recycling tonnage report by February 1 of each year.	\$1,000
7:26A-4.4(b)	Failure by a transporter of recyclable materials to provide a recycling tonnage report by February 1 of each year.	\$1,000
7:26A-4.4(c)	Failure of exempt person to submit required tonnage reports by February 1 of each year.	\$1,000
7:26A-4.5(a)2	Failure of Class C yard trimming operator to ensure center has sufficient capacity to handle incoming volumes.	\$2,000
7:26A-4.5(a)3	Failure of Class C yard trimming operator to have properly trained individual supervising operation, access to facility prohibited when center is closed.	\$2,000
7:26A-4.5(a)4	Failure of Class C yard trimming operator to ensure yard trimmings are only received during times when operator is present.	\$2,000
7:26A-4.5(a)5	Failure of Class C yard trimming operator to ensure all trimmings received are removed from bags, boxes.	\$2,000
7:26A-4.5(a)6	Failure of Class C yard trimming operator to initiate processing of incoming materials containing grass, within the working day.	\$2,000
7:26A-4.5(a)7i	Failure of Class C compost operators to attend, within one year of start up, approved composting courses.	\$2,000
7:26A-4.5(a)7ii	Failure of Class C compost operator to maintain improved active composting surface to prevent ponding or runoff.	\$2,000
7:26A-4.5(a)7iii	Failure of Class C yard trimming operator to moisten, without excess runoff, dry yard trimmings prior to windrow formation.	\$2,000

7:26A-4.5(a)7iv	Failure of Class C yard trimming operator to position windrows perpendicular to ground surface contours.	\$2,000
7:26A-4.5(a)7v	Failure of Class C yard trimming operator to install windsock.	\$1,000
7:26A-4.5(a)7vi	Failure of Class C yard trimming operator to comply with windrow composting requirements.	\$2,000
7:26A-4.5(a)7vii	Failure of Class C yard trimming operator to comply with material staging and processing buffer distance requirements.	\$2,000
7:26A-4.5(a)7viii	Failure of Class C yard trimming operator to comply with finished compost testing requirements.	\$2,000
7:26A-4.5(a)7xii	Failure of Class C yard trimming operator to comply with additional recordkeeping requirements.	\$3,000
7:26A-4.5(b)1	Failure of Class C material operator to ensure center has sufficient capacity to handle incoming volumes.	\$2,000
7:26A-4.5(b)2	Failure of Class C material operator to comply with composting structure requirements, no ponding, leachate control.	\$2,000
7:26A-4.5(b)3	Failure of Class C material operator to main fully enclosed operation.	\$2,000
7:26A-4.5(b)5	Failure of Class C material operator to comply with O&M manual requirements.	\$3,000
7:26A-4.5(b)7,8	Failure of Class C material operator to comply with employee training requirements.	\$2,000
7:26A-4.5(b)9	Failure of Class C material operator to have properly trained individual supervising operation.	\$2,000
7:26A-4.5(b)11	Failure of Class C material operator to comply with incoming organics processing timeframes and requirements.	\$2,000
7:26A-4.5(b)12	Failure of Class C material operator to ensure incoming, unprocessed material is not mixed with finished compost.	\$2,000
7:26A-4.5(b)13, 14	Failure of Class C material operator to meet PFRB criteria and requirements.	\$2,000
7:26A-4.5(b)16	Failure of Class C material operator to comply with 15 month finished compost storage requirement.	\$1,000
7:26A-4.5(b)18-21	Failure of Class C material operator to comply with monitoring and sampling	

	requirements.	\$3,000
7:26A-4.5(b)22,23	Failure of Class C material operator to comply with additional recordkeeping requirements.	\$2,000
7:26A-4.5(c)1	Failure of Class C operator to comply with labeling requirements.	\$2,000
7:26A-4.5(c)2	Failure of Class C operator to comply with compost utilization requirements.	\$2,000
7:26A-5.1(a)	Failure to ensure no shearing, shredding, baling or other actions which could cause release of refrigerant fluid to take place, occurs prior to recovery of such fluid.	\$5,000
7:26A-5.1(b)	Failure to recover refrigerant fluid in a manner such that no venting of refrigerant fluid occurs.	\$5,000
7:26A-5.1(c)	Failure to deliver recovered refrigerant fluid to a facility which has agreed to reprocess the fluid or, if such arrangements cannot be made, failure to store or dispose of the recovered fluid in accordance with applicable rules and regulations.	\$5,000
7:26A-6.4(d)2	Failure of generator to ensure used oil is stored only in tanks, containers, or unit subject to N.J.A.C. 7:26G.	\$3,000
7:26A-6.4(d)3	Failure of generator to ensure used oil storage units are in good condition and not leaking.	\$3,000
7:26A-6.4(d)4	Failure of generator to comply with used oil labeling requirements.	\$2,000
7:26A-6.4(f)	Failure of generator to comply with used oil off-site shipment requirements.	\$2,000
7:26A-6.6(c)	Failure of a used oil transporter to have EPA identification number.	\$2,000
7:26A-6.6(d)1	Failure of a used oil transport to comply with deliveries requirements.	\$2,000
7:26A-6.6(f)3	Failure of used oil transfer facility to ensure used oil is stored only in tanks, containers, or unit subject to N.J.A.C. 7:26G	\$3,000
7:26A-6.6(f)4	Failure of used oil transfer facility to ensure used oil storage units are in good condition and not leaking.	\$3,000
7:26A-6.6(f)5	Failure of used oil transfer facility to comply with "secondary containment for" containers" requirements.	\$3,000

7:26A-6.6(f)6	Failure of used oil transfer facility to comply with "secondary containment for" existing aboveground " tanks" requirements.	\$3,000
7:26A-6.6(f)7	Failure of used oil transfer facility to comply with "secondary containment for" "new aboveground tanks" requirements.	\$3,000
7:26A-6.6(f)8	Failure of used oil transfer facility to comply with used oil labeling requirements.	\$3,000
7:26A-6.6(g)	Failure of used oil transfer facility/transporter to comply with tracking requirements.	\$2,000
7:26A-6.7(b)	Failure of used oil processor/re-refiner to comply with notification requirements.	\$2,000
7:26A-6.7(c)1	Failure of used oil processor/re-refiner to comply with preparedness and prevention requirements.	\$5,000
7:26A-6.7(c)2i-v	Failure of used oil processor/re-refiner to comply with contingency plan requirements.	\$5,000
7:26A-6.7(e)2	Failure of used oil processor/re-refiner to ensure used oil is stored only in tanks, containers, or units subject to N.J.A.C. 7:26G.	\$3,000
7:26A-6.7(e)3	Failure of used oil processor/re-refiner to ensure used oil storage units are in good condition and not leaking.	\$3,000
7:26A-6.7(e)4	Failure of used oil processor/re-refiner to comply with "secondary containment for" "containers" requirements.	\$3,000
7:26A-6.7(e)5	Failure of used oil processor/re-refiner to comply with "secondary containment for" "existing aboveground tanks" requirements.	\$3,000
7:26A-6.7(e)6	Failure of used oil processor/re-refiner to comply with "secondary containment for" "new aboveground tanks" requirements.	\$3,000
7:26A-6.7(e)7	Failure of used oil processor/re-refiner to comply with used oil labeling requirements.	\$3,000
7:26A-6.7(f)	Failure of used oil processor/re-refiner to comply with analysis plan requirements.	\$5,000
7:26A-6.7(g)	Failure of used oil processor/re-refiner to comply with tracking requirements.	\$2,000
7:26A-6.7(h)	Failure of used oil processor/re-refiner to comply with operating record and reporting requirements.	\$3,000
7:26a-6.7(i)	Failure of used oil processor/re-refiner to use oil transporter with EPA identification	

	number.	\$3,000
7:26A-6.8(b)	Failure of used oil burner facility comply with burning restrictions.	\$3,000
7:26A-6.8(c)	Failure of a used oil burner facility to comply with notification requirements.	\$2,000
7:26A-6.8(e)2	Failure of used oil burner facility to ensure used oil is stored only in tanks, containers, or unit subject to N.J.A.C. 7:26G.	\$3,000
7:26A-6.8(e)3	Failure of used oil burner facility to ensure used oil storage units are in good condition and not leaking.	\$3,000
7:26A-6.8(e)4	Failure of used oil burner facility to comply with "secondary containment for" "containers" requirements.	\$3,000
7:26A-6.8(e)5	Failure of used oil burner facility to comply with "secondary containment for" "existing aboveground tanks" requirements.	\$3,000
7:26A-6.8(e)6	Failure of used oil burner facility to comply with "secondary containment for" "new aboveground tanks" requirements.	\$3,000
7:26A-6.8(e)7	Failure of used oil burner facility to comply with used oil labeling requirements.	\$3,000
7:26A-6.8(f)	Failure of used oil burner facility to comply with tracking requirements.	\$2,000
7:26A-6.8(g)	Failure of used oil burner facility to comply with notice requirements.	\$2,000
7:26A-6.9(b)	Failure of used oil fuel marketer to ensure shipments of off-specification used oil is sent only to used oil burner facilities that have EPA identification numbers and burns the used oil in a device as identified in N.J.A.C. 7:26A-6.8(b)1.	\$4,000
7:26A-6.9(c)	Failure of used oil fuel marketer to comply with on-specification used oil fuel requirements.	\$2,000
7:26A-6.9(d)	Failure of a used oil fuel marketer to comply with notification requirements.	\$2,000
7:26A-6.9(e)	Failure of used oil marketer to comply with tracking requirements.	\$2,000
7:26A-6.9(f)	Failure of used oil marketer to comply with Notice requirements.	\$2,000
§273.13	Failure of small quantity handler of universal waste to comply with waste	

	management requirements.	\$2,000
§273.14	Failure of small quantity handler of universal waste to comply with labeling/	
	marking requirements.	\$2,000
§273.15	Failure of small quantity handler of universal waste to comply with	
	accumulation time limits.	\$2,000
§273.16	Failure of small quantity handler of universal waste to comply with	
	employee training requirements.	\$3,000
§273.18	Failure of small quantity handler of universal waste to comply with off-site	
	shipment requirements.	\$2,000
§273.20	Failure of small quantity handler of universal waste to comply with exporting requirements.	\$2,000
§273.32	Failure of large quantity handler of universal waste to comply with notification requirements.	\$4,000
§273.33	Failure of large quantity handler of universal waste to comply with waste management requirements.	\$4,000
§273.34	Failure of large quantity handler of universal waste to comply with labeling/mark	
	ing requirements.	\$4,000
§273.35	Failure of large quantity handler of universal waste to comply with accumulation time limits.	\$4,000
§273.36	Failure of large quantity handler of universal waste to comply with employee	
	training requirements.	\$4,000
§273.38	Failure of large quantity handler of universal waste to comply with off-site	
	shipment requirements.	\$4,000
§273.39	Failure of large quantity handler of universal waste to comply with waste	
	tracking requirements.	\$4,000
§273.40	Failure of large quantity handler of universal waste to comply with exporting requirements.	\$4,000
§273.52	Failure of universal waste transporter to comply with waste management requirements.	\$3,000
§273.53	Failure of universal waste transporter to comply with storage time limits.	\$3,000
§273.55	Failure of universal waste transporter to comply with off-site shipment requirements.	\$3,000
§273.56	Failure of universal waste transporter to comply with exporting requirements.	\$3,000

§273.61	Failure of universal waste destination facility to comply with off-site shipment requirements	\$4,000
§273.62	Failure of universal waste destination facility to comply with universal waste tracking requirements.	\$4,000

(Agency Note: N.J.A.C. 7:26-5.4(g)7 through 12 are proposed for deletion at 28 N.J.R. 1693(a), and are thus not proposed for recodification herein. If their deletion is not adopted at or prior to adoption of the instant proposal, those paragraphs will be recodified upon adoption.)]

(g) The following summary of rules contained in N.J.A.C. 7:26-1 through N.J.A.C. 7:26-26A is provided for informational purposes only. In the event that there is a conflict between the rule summary in this N.J.A.C. 7:26-5.4(g) and a provision in N.J.A.C. 7:26-1 through N.J.A.C. 7:26-26A then the provision in N.J.A.C. 7:26-1 through N.J.A.C. 7:26-26A shall prevail. The citations beginning with the symbol "\$" identify the rule section found in 40 C.F.R. Part 273. The word “matrix” appearing in the “Base Penalty” column refers to the penalty calculation matrix in 7:26-5.4, which shall be applied in lieu of a “base penalty”. The column with the heading “Grace Period” identifies the time afforded to correct a minor violation in accordance with N.J.A.C. 7:26G-2.10.

- 1. The violations of N.J.A.C. 7:26-1, General Provisions, and the civil administrative penalty amounts and grace period conditions for each violation, are as set forth in the following table.**

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26-1.7(b)</u>	<u>Failure of owner or operator of any facility exempted under N.J.A.C. 7:26-1.7 to comply with all conditions set forth in its certificate of authority to operate</u>	<u>\$2,000</u>	<u>NM</u>	

2. The violations of N.J.A.C. 7:26-2, Disposal, and the civil

administrative penalty amounts and grace period conditions for each violation, are as set forth in the following table.

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26-2.7(b)1</u>	<u>Failure of permittee to apply for a renewal at least 90 days prior to the expiration date of the existing SWF permit.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26-2.8(b)</u>	<u>Failure of permittee to submit a statement updating the information contained in the initial registration statement.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26-2.8(c)</u>	<u>Failure of permittee to notify the Department within 30 days of any change of information in the registration statement.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26-2.8(e)</u>	<u>Failure to apply and receive approval of a SWF permit prior to engaging in the disposal of solid waste in this State.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2.8(f)</u>	<u>Failing to obtain a SWF permit prior to constructing or operating a solid waste facility.</u>	<u>\$5,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26-2.8(j)</u>	<u>Failure to meet all conditions, restrictions, requirements of any other provision set forth in SWF permit.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2.8(k)</u>	<u>Failure to receive Department approval prior to modifying, revising or otherwise changing a permit condition.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2.8(l)</u>	<u>Failure to receive Department approval prior to transferring ownership of a SWF permit.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26-2.11(b)1</u>	<u>Failure of operator to clean areas where waste has been deposited or stored within each 24 hour period, for sanitary landfills all areas where waste has been deposited shall be covered.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2.11(b)2</u>	<u>Failure to ensure any waste stored overnight at any facility is effectively treated.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2.11(b)3</u>	<u>Failure to maintain facility property surrounding the disposal area free of litter, debris, unprocessed waste, processed residues and effluents.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26-2.11(b)4</u>	<u>Failure to implement dust control methods.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2.11(b)5</u>	<u>Failure to ensure no odors of sufficient strength and duration to be injurious to human health or unreasonably interfere with the enjoyment of life or property are detected off-site.</u>	<u>\$4,000</u>	<u>NM</u>	
<u>7:26-2.11(b)6</u>	<u>Failure to maintain all facility system in a manner that facilitates proper operation and minimizes system downtime.</u>	<u>\$2,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26-2.11(b)7</u>	<u>Failure to maintain an adequate water supply and adequate fire-fighting equipment.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26-2.11(b)8</u>	<u>Failure to control insects, other arthropods and rodents.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26-2.11(b)9</u>	<u>Failure to comply at all times with the conditions of SWF permit.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2.11(b)10</u>	<u>Failing to ensure waste is not received in excess to the system's designed capacity.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2.11(b)11</u>	<u>Failure to operate the facility in a manner that employs the use of equipment and other techniques as identified in the facility's SWF permit.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26-2.11(b)12</u>	<u>Failure to maintain an approved O and M manual at the facility, changes to be submitted, at a minimum, on an annual basis.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26-2.11(c)1</u>	<u>Failure to admit only properly registered solid waste vehicles for loading or unloading of any solid waste.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26-2.11(c)2</u>	<u>Failure to designate a secure area where solid waste may be unloaded from vehicles exempt from registration under N.J.A.C. 7:26-3.3.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2.11(c)3</u>	<u>Failure to designate a secure area where unpermitted waste can be deposited.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2.11(c)4</u>	<u>Failure to maintain a record of the quantity of each waste type accepted for disposal.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26-2.11(c)5</u>	<u>Failure to provide a means of cleaning vehicle tires of debris.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26-2.12(b)</u>	<u>Failure of generators of asbestos containing waste materials to submit a complete written notification of intent to demolish, 10 days prior to beginning the demolition activity.</u>	<u>\$1,000</u>	<u>NM</u>	
<u>7:26-2.12(c)</u>	<u>Failure of generators of asbestos containing waste material to submit a complete written notification of intent to renovate, 10 days prior to beginning the renovation activity.</u>	<u>\$1,000</u>	<u>NM</u>	
<u>7:26-2.13(a)1-6</u>	<u>Failure to maintain a daily record of waste received.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2.13(a)7</u>	<u>Failure to maintain a daily record of asbestos waste received and make appropriate submittals.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26-2.13(a)8</u>	<u>Failure to install or operate scales or keep records.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26-2.13(c)1</u>	<u>Failure of facility operator to verify the O and D form.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2.13(e)</u>	<u>Failure to timely submit complete monthly summaries of waste to the Department and the District Solid Waste Coordinator.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26:2.14(j)</u>	<u>Failure of SWFPPA permittee to prepare and submit a complete annual progress report.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26:2.14(k)</u>	<u>Failure of SWFPPA permittee to conduct a complete facility wide benchmark audit not less than once every five years.</u>	<u>\$1,000</u>	<u>M</u>	<u>90</u>

3. The violations of N.J.A.C. 7:26-2A, Additional Specific Disposal Regulations for Sanitary Landfills, and the civil administrative penalty amounts and grace period conditions for each violation, are as set forth in the following table.

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26-2A.8(b)1</u>	<u>Failure to confine working face to the smallest practical area.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2A.8(b)2</u>	<u>Failure to compact waste to yield smallest volume.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26-2A.8(b)3</u>	<u>Failure to compact waste in shallow layers; or compacting waste over leachate collection pipes per N.J.A.C. 7:26-2A.7(d)3xiv.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2A.8(b)4</u>	<u>Failure to ensure lift height of daily cell does not exceed 12 feet.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2A.8(b)5</u>	<u>Failure to ensure slope is no steeper than 3:1. Failure of balefill operations to comply with working face requirements.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2A.8(b)6</u>	<u>Failure to obtain department approval of separate areas for storage of demolition waste or recyclable materials.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26-2A.8(b)7</u>	<u>Failure to cover exposed surfaces of solid waste at close of each operating day with daily cover.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2A.8(b)8</u>	<u>Failure to progressively apply daily cover</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2A.8(b)9</u>	<u>Failure to apply intermediate cover (a minimum of 12 inches of earth) to surfaces exposed more than 24 hours.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2A.8(b)10</u>	<u>Failure to maintain grade, thickness and integrity of intermediate and final cover.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2A.8(b)11</u>	<u>Failure to grade areas with intermediate cover to facilitate drainage.</u>	<u>\$2,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26-2A.8(b)12</u>	<u>Failure to use appropriate daily and intermediate cover materials; not maintaining sufficient quantity of cover at site; not maintaining standby supply of cover within boundaries.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2A.8(b)13</u>	<u>Failure to construct final cover in accordance with N.J.A.C. 7:26-2A.7(i) and to apply it to all surfaces.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2A.8(b)20</u>	<u>Failure to maintain sufficient types and quantities of equipment to adequately meet the requirements of 7:26-2A.8(b) 7 through (10).</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2A.8(b)21</u>	<u>Failure to maintain steel wheel type compactors of at least 45,000 pounds.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26-2A.8(b)22</u>	<u>Failure to equip landfill equipment with safety devices.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26-2A.8(b)23</u>	<u>Failure, in the case of breakdown of equipment, to repair or obtain replacement within 24 hours; or to include a maintenance contract in O & M plan.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2A.8(b)24</u>	<u>Failure to limit access for disposal to operating hours only.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2A.8(b)25</u>	<u>Failure to secure landfill with a six-foot high chain link fence.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2A.8(b)27</u>	<u>Failure to maintain all weather road to working face.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2A.8(b)28</u>	<u>Failure to control litter.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26-2A.8(b)29</u>	<u>Failure to control dust by spraying water or equivalent.</u>	<u>\$2,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26-2A.8(b)30</u>	<u>Failure to eliminate emissions which result in odors detectable in areas of human use or occupancy beyond boundary line; or to control the odors by use of daily cover; or to immediately cover odorous waste with minimum six inches of cover.</u>	<u>\$4,000</u>	<u>NM</u>	
<u>7:26-2A.8(b)31</u>	<u>Failure to control the off-site tracking of mud and soil.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26-2A.8(b)32</u>	<u>Failure to minimize the propagation and harborage of insects, rodents, and birds.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2A.8(b)33</u>	<u>Failure to protect all monitoring devices and environmental systems from damage.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26-2A.8(b)37</u>	<u>Failure to have supervisor on site in order to ensure proper operation, evaluate monitoring data and inspection reports, determine performance of landfill, implement all operational decisions and ensure compliance with N.J.S.A. 13:1E-1 et seq., this chapter and the SWF Permit.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26-2A.8(b)38</u>	<u>Failure to ensure that landfill personnel complete a program of on-the-job training.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26-2A.8(b)39</u>	<u>Failure to ensure that landfill personnel complete initial training program within six months after the date of their employment.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26-2A.8(b)40</u>	<u>Failure to ensure that landfill personnel take part in annual update of initial training program.</u>	<u>\$500</u>	<u>M</u>	<u>30</u>

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26-2A.8(b)41</u>	<u>Failure to keep records of training received by personnel until closure.</u>	<u>\$500</u>	<u>M</u>	<u>30</u>
<u>7:26-2A.8(c)</u>	<u>Failure to maintain environmental control systems in functioning manner, or to inspect them.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26-2A.8(d-e)</u>	<u>Failure to perform inspections required by N.J.A.C. 7:26-2A.8(c) on a weekly basis and after storm events, and comply with recordkeeping requirements.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26-2A.8(f)</u>	<u>Failure of operator to make repairs in accordance with N.J.A.C. 7:26-2A.8(b)28 and O&M manual, if deterioration or malfunction occurs.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2A.8(g)</u>	<u>Failure to maintain and inspect sanitary landfill according to requirements.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2A.8(h)</u>	<u>Failure to monitor in accordance with parameters and schedules.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26-2A.8(i)</u>	<u>Failure to submit an annual topographic survey prepared according to N.J.A.C. 7:26-2A.8(i)1 through 4 by May 1 of each year.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26-2A.8(j)1</u>	<u>Failure to obtain written approval of the Department prior to disruption/excavation.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2A.8(j)3</u>	<u>Failure to keep area of excavation consistent with amount of equipment, and to keep excavation to smallest practical area.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2A.8(j)4</u>	<u>Failure to control dust, odors, fires, rodents, insects, blowing litter.</u>	<u>\$3,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26-2A.8(k)6</u>	<u>Failure to repair any disruption of finished grade or covered surface upon completion of firefighting activities.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2A.8(l)</u>	<u>Failure to comply with asbestos waste disposal requirements.</u>	<u>\$3,000</u>	<u>NM</u>	

4. The violations of N.J.A.C. 7:26-2B, Additional Specific Disposal Regulations For Thermal Destruction Facilities, Transfer Stations, Materials Recovery Facilities, Co-Composting and Solid Waste Composting Facilities, and the civil administrative penalty amounts and grace period conditions for each violation, are as set forth in the following table.

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26-2B.7(b)</u>	<u>Failure of solid waste composting and co-composting facility to comply with quarterly report requirements.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26-2B.7(d)</u>	<u>Failure of solid waste composting and co-composting facility to comply with training requirements; Access to facility prohibited when facility is closed.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2B.7(e)</u>	<u>Failure of solid waste composting and co-composting facility to monitor temperature of composting materials to ensure pathogen reduction criteria are met.</u>	<u>\$2,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26-2B.7(f)</u>	<u>Failure of solid waste composting and co-composting facility to comply with incoming waste processing timeframes and requirements.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2B.7(g)</u>	<u>Failure of solid waste composting and co-composting facility to ensure incoming, unprocessed waste is not mixed with finished compost.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2B.7(h)</u>	<u>Failure of solid waste composting and co-composting facility to comply with 15 month finished compost storage requirement.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26-2B.7(i)</u>	<u>Failure of solid waste composting and co-composting facility to comply with recordkeeping requirements.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2B.7(j-n)</u>	<u>Failure of solid waste composting and co-composting facility to comply with monitoring and sampling requirements.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26-2B.7(o)</u>	<u>Failure of solid waste composting and co-composting facility to comply with labeling requirements.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2B.7(p)</u>	<u>Failure of solid waste composting and co-composting facility to comply with USEPA 40 CFR 503 general requirements.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2B.8(d)</u>	<u>Failure of the owner or operator to conduct inspections as indicated in the approved final O&M manual in order to identify and remedy any problems and comply with recordkeeping requirements.</u>	<u>\$3,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26-2B.8(f)</u>	<u>Failure of the owner or operator to implement waste receiving area control procedures that provide for the inspection of the incoming waste stream for the purpose of removing nonprocessible or potentially explosive materials prior to the initiation of processing.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26-2B.8(g)</u>	<u>Failure, should the facility experience equipment or system malfunction to the extent that the waste received cannot be handled or processed in the normal manner, of the operator to notify the Department of the existence of such a situation and circumstances contributing to the situation within the same working day of its occurrence.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2B.8(i)</u>	<u>Failure to store unprocessed incoming waste, facility process waste residues and effluents, and recovered materials in bunkers, pits, bins, or similar containment vessels and to keep at all times at levels that prevent spillage or overflow.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-2B.8(j)</u>	<u>Failure to keep waste delivery tipping hall doors closed during non-processing or non-receiving hours.</u>	<u>\$2,000</u>		
<u>7:26-2B.8(k)</u>	<u>Failure to schedule the delivery of waste to the facility and the removal of residues and recovered products from the site so as to eliminate traffic backups and allow for fluid vehicular movement on site.</u>	<u>\$2,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26-2B.8(l)</u>	<u>Failure to ensure that samples and measurements taken for the purpose of monitoring facility process and treatment operations are representative of the process or operation and are performed with the conditions of the facility's SWF permit.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26-2B.8(m-r)</u>	<u>Failure of the operator to comply with waste determination, waste analysis and required recordkeeping.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26-2B.8(s)</u>	<u>Failure of the owner or operator to have a 24-hour surveillance system which continuously monitors and controls entry to the facility or an artificial or natural barrier which completely surrounds the facility.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26-2B.8(t)</u>	<u>Failure of a facility to maintain required personnel, supervisor, boiler operator, licensed engineer to assure the proper and orderly operation of all system components, along with the ability to handle all routine facility maintenance requirements.</u>	<u>\$5,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26-2B.8(u)</u>	<u>Failure to ensure that all personnel complete an initial program of classroom instruction and on-the-job training, training program directed by a person thoroughly familiar with the technology, ensure that facility personnel respond to any malfunction or emergency situation, complete the initial training program within six months, planned annual review of the initial training, records document the type and amount of training received, kept until closure, former employees records kept for at least one year.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>

5. The violations of N.J.A.C. 7:26-3, Transportation and the civil administrative penalty amounts and grace period conditions for each violation are as set forth in the following table.

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26-3.2(a)</u>	<u>Failure to obtain an approved registration statement from the Department prior or to engaging in the transportation of solid waste.</u>	<u>\$8,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26-3.2(a)2</u>	<u>Failure to ensure that any device used for the transportation of solid waste is registered with the Department.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-3.2(a)4</u>	<u>Failure of registrant to ensure registered vehicles, cabs, containers, etc. are not used, controlled or possessed by any other person.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26-3.2(c)</u>	<u>Failure to comply with any conditions or limitations which may be specified on the approved registration.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26-3.2(d)</u>	<u>Failure of a registrant to submit a transporter registration renewal updating information contained in the previous registration statement.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26-3.2(e)</u>	<u>Failure of registrant to notify the Department within 30 days of any change in the registration statement.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26-3.4(b)</u>	<u>Failure to deposit all collected solid waste at an approved facility.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26-3.4(c)</u>	<u>Failure to ensure solid does not remain or is stored in any solid waste vehicle in excess of 24 hours, unless an emergency.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-3.4(d)</u>	<u>Failure to ensure design of solid waste vehicle is such that it will not cause spillage onto roadways.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-3.4(e)</u>	<u>Failure to ensure solid waste vehicle is not loaded beyond its design capacities or in such a manner that will cause spillage onto roadways.</u>	<u>\$2,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26-3.4(f)</u>	<u>Failure to keep all solid waste vehicles in good working condition and to provide a means of continuous service in the event an emergency arises.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-3.4(g)</u>	<u>Failure to protect property of customer.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-3.4(h)</u>	<u>Failure to properly mark each solid waste vehicle or to carry current DEP registration certificate.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26-3.4(i)</u>	<u>Failure to use tarpaulins as needed.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-3.4(j)</u>	<u>Failure to access or exit a solid waste facility pursuant to the district solid waste management plan or SWF permit.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-3.4(m)</u>	<u>Failure of transporter to haul solid waste in accordance with the Solid Waste Management Plan developed by the county or district of waste origin pursuant to N.J.A.C. 7:26-6.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26-3.5(a)1</u>	<u>Failure to design all solid waste vehicles used for the transportation of sewage sludge to preclude any spillage or leakage onto roadways.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-3.5(a)2</u>	<u>Failure to ensure sewage sludge and other fecal material is not intermixed with other wastes of a chemical or industrial nature.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26-3.5(b)</u>	<u>Failure to design all solid waste vehicles used for the transportation of bulky waste to preclude any spillage.</u>	<u>\$2,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26-3.5(c)</u>	<u>Failure to ensure radioactive material and lethal chemicals are not transported in or through this State without prior approval from authorities having jurisdiction, and from the Department.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26-3.5(d)1</u>	<u>Failure to design all solid waste vehicles used for the transportation of asbestos waste so as to preclude any spillage leakage or emissions therefrom.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26-3.5(d)2</u>	<u>Failure to package asbestos for transportation in accordance with 40 CFR 61.152 and N.J.A.C. 7:26-2.12.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26-3.5(d)3</u>	<u>Failure to transport asbestos in a manner that prevents the rupture of containers in loading, transporting and unloading operations.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26-3.5(d)4</u>	<u>Failure to transport collected asbestos and/or asbestos containing material directly to solid waste landfill or transfer station permitted to receive such wastes.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26-3.5(d)6</u>	<u>Failure to ensure no visible air emissions are generated during loading, transporting, or unloading operations.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26-3.5(h)2</u>	<u>Failure of transporter to complete and sign O and D form prior to transporting the solid waste.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26-3.7(a)</u>	<u>Failure to ensure waste materials to be collected and transported show no evidence of smoking, smoldering or burning.</u>	<u>\$5,000</u>	<u>NM</u>	

6. The violations of N.J.A.C. 7:26-3A, Regulated Medical Waste, and the civil administrative penalty amounts and grace period conditions for each violation, are as set forth in the following table. The lesser penalty amount applies to persons registered in generator categories 1 through 3 (<300 lbs./year). The larger penalty amount applies to persons registered in generator categories 4 and 5 (>300 lbs./yr.).

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26-3A.8(a)</u>	<u>Failure of a generator of RMW to register with the Department.</u>	<u>\$1,500/ \$5,000</u>	<u>NM</u>	
<u>7:26-3A.8(a)1</u>	<u>Failure of a generator of RMW to register in the proper category.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26-3A.8(b)1</u>	<u>Failure of a commercial transporter of RMW to register with the Department.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26-3A.8(b)2</u>	<u>Failure of a non-commercial transporter of RMW to register with the Department.</u>	<u>\$2,500</u>	<u>NM</u>	
<u>7:26-3A.8(c)</u>	<u>Failure of commercial intermediate handlers and owner/operators of destination facilities to register with the Department.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26-3A.8(c)3</u>	<u>Failure of a non-commercial collection facility or an intermediate handler treating their own waste to register with the Department.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-3A.8(d)1</u>	<u>Failure of commercial collection facility to register with the Department.</u>	<u>\$5,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26-3A.8(d)5,6</u>	<u>Failure of a non-commercial collection facility to register with the Department.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-3A.9</u>	<u>Failure of transporters', intermediate handlers' and destination facilities' supervisory personnel to attend an education and training session and disseminate information to employees.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26-3A.10(a)</u>	<u>Failure of generators of RMW to segregate for off-site transport prior to placement in containers.</u>	<u>\$1,000/ \$3,000</u>	<u>NM</u>	
<u>7:26-3A.10(d)</u>	<u>Failure to handle a package of RMW mixed with other waste as RMW.</u>	<u>\$1,000/ \$3,000</u>	<u>NM</u>	
<u>7:26-3A.11</u>	<u>Failure of a generator to ensure that RMW is properly packaged before transporting or offering for transport off site.</u>	<u>\$1,000/ \$3,000</u>	<u>NM</u>	
<u>7:26-3A.12(a)</u>	<u>Failure to comply with RMW storage requirements.</u>	<u>\$1,000/ \$3,000</u>	<u>NM</u>	
<u>7:26-3A.12(b)</u>	<u>Failure to comply with RMW storage periods.</u>	<u>\$500/\$1,000</u>	<u>NM</u>	
<u>7:26-3A.12(c)</u>	<u>Failure to secure sharps containers.</u>	<u>\$1,000/ \$3,000</u>	<u>NM</u>	
<u>7:26-3A.13(a)</u>	<u>Failure to comply with container decontamination and reuse requirements.</u>	<u>\$1,000/ \$3,000</u>	<u>NM</u>	
<u>7:26-3A.14(a)</u>	<u>Failure to comply with labeling requirements.</u>	<u>\$500/\$1,000</u>	<u>NM</u>	
<u>7:26-3A.15(a)</u>	<u>Failure to comply with marking requirements.</u>	<u>\$500/\$1,000</u>	<u>NM</u>	
<u>7:26-3A.16(a)</u>	<u>Failure to determine if waste is RMW.</u>	<u>\$1,000/ \$3,000</u>	<u>NM</u>	
<u>7:26-3A.16(d)</u>	<u>Failure to use properly registered transporters.</u>	<u>\$1,000/ \$3,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26-3A.16(e)</u>	<u>Failure to dispose of RMW at an authorized facility.</u>	<u>\$5,000/ \$10,000</u>	<u>NM</u>	
<u>7:26-3A.16(h)</u>	<u>Failure to comply with home self-care RMW requirements.</u>	<u>\$500/\$1,000</u>	<u>NM</u>	
<u>7:26-3A.16(i)</u>	<u>Failure to get approval from the department prior to using an alternative or innovative technology for the treatment or destruction of RMW.</u>	<u>\$1,000/ \$5,000</u>	<u>NM</u>	
<u>7:26-3A.19</u>	<u>Failure of a generator to comply with tracking form requirements.</u>	<u>\$500/\$2,000</u>	<u>NM</u>	
<u>7:26-3A.21</u>	<u>Failure to comply with generator recordkeeping requirements.</u>	<u>\$500/\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26-3A.22</u>	<u>Failure of generator to comply with exception reporting requirements.</u>	<u>\$500/\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26-3A.25</u>	<u>Failure of generator with on-site incinerator to comply with recordkeeping requirements.</u>	<u>\$1,000/ \$3,000</u>	<u>M</u>	<u>30</u>
<u>7:26-3A.26</u>	<u>Failure of owner/operator of on-site incinerator to comply with reporting requirements.</u>	<u>\$1,000/ \$3,000</u>	<u>M</u>	<u>30</u>
<u>7:26-3A.27(i)</u>	<u>Failure of a transporter/collection facility to dispose of RMW stored in the vehicle within fourteen calendar days, or before it becomes putrescent.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-3A.28</u>	<u>Failure of a transporter to comply with RMW acceptance requirements.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26-3A.30(a)1</u>	<u>Failure of vehicle to have fully enclosed, leak resistant cargo carrying body.</u>	<u>\$2,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26-3A.30(a)2</u>	<u>Failure to ensure RMW does not become putrescent and is not subjected to mechanical stress or compaction during loading and unloading or during transit.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-3A.30(a)3</u>	<u>Failure to maintain cargo carrying body in good sanitary condition.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-3A.30(a)4</u>	<u>Failure to securely lock unattended cargo carrying body.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26-3A.30(b)</u>	<u>Failure to comply with vehicle identification requirements.</u>	<u>\$1,000</u>	<u>NM</u>	
<u>7:26-3A.30(c)</u>	<u>Failure to manage RMW/solid waste mixture as RMW.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26-3A.31(a)</u>	<u>Failure of transporter to accepting RMW from a generator to ensure it is accompanied by a tracking form signed by the generator in accordance with the provisions of N.J.A.C. 7:26-3A.19.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-3A.31(b)</u>	<u>Failure of transporter to sign and date tracking form and provide copy to generator.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-3A.31(c)</u>	<u>Failure of transporter to ensure tracking form accompanies RMW while in transit.</u>	<u>\$500</u>	<u>M</u>	<u>30</u>
<u>7:26-3A.31(d)</u>	<u>Failure of transporter to comply with tracking form requirements when delivering RMW to another transporter (including a transfer facility) or to an intermediate handling facility or destination facility.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26-3A.31(e)</u>	<u>Failure of transporter to comply with tracking form requirements when transporting RMW across an international border or when delivering RMW to a transporter or treatment, destruction, or destination facility located in a foreign country.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-3A.32(a)</u>	<u>Failure to deliver entire quantity of RMW to intermediate hauler, destination facility or next transporter.</u>	<u>\$1,000</u>	<u>NM</u>	
<u>7:26-3A.32(b)</u>	<u>Failure to contact generator for directions and make changes accordingly, if RMW cannot be delivered as intended.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-3A.33(a)</u>	<u>Failure to comply with requirements for consolidating waste to a new tracking form.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26-3A.34(a)</u>	<u>Failure of transporter to maintain signed copy of tracking form for three years.</u>	<u>\$500</u>	<u>M</u>	<u>30</u>
<u>7:26-3A.34(b)</u>	<u>Failure of transporter to comply with recordkeeping requirements when consolidating RMW.</u>	<u>\$500</u>	<u>M</u>	<u>30</u>
<u>7:26-3A.34(c)</u>	<u>Failure of transporter to maintain copy of RMW transporter report for three years.</u>	<u>\$500</u>	<u>M</u>	<u>30</u>
<u>7:26-3A.35</u>	<u>Failure of transporter to comply with reporting requirements.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26-3A.37(a)</u>	<u>Failure of transporter to have an approved RMW spill management plan.</u>	<u>\$2,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26-3A.37(b)</u>	<u>Failure of transporter to have a RMW spill containment and cleanup kit at all sites and in all vehicles used for the storage, handling, collection, treatment and collection of RMW.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-3A.38(b)6</u>	<u>Failure of RMW incinerator to ensure waste stored overnight is effectively treated.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-3A.38(b)7</u>	<u>Failure to maintain facility property surrounding the disposal area free of litter, debris, unprocessed waste, processed residues and effluents.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-3A.38(b)8</u>	<u>Failure to ensure no odors are detected off-site.</u>	<u>\$4,000</u>	<u>NM</u>	
<u>7:26-3A.38(b)9</u>	<u>Failure to maintain all facility systems in a manner that facilitates proper operation and minimizes system downtime.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-3A.38(b)10</u>	<u>Failure to maintain adequate water supply and fire fighting equipment, failure to post emergency numbers (fire, police, ambulance, hospital).</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26-3A.38(b)11</u>	<u>Failure to effectively control insects, arthropods, rodents.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-3A.38(b)12</u>	<u>Failure to maintain orderly operation and sanitary conditions.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-3A.38(b)14</u>	<u>Failure to maintain O&M Manual at the facility.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26-3A.38(b)17</u>	<u>Failure of facility to accept RMW only from properly registered transporters.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-3A.39(i)1</u>	<u>Failure to ensure stored waste does not exceed 300,000 pounds or amount as specified in authorization.</u>	<u>\$2,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26-3A.39(i)2</u>	<u>Failure to ensure collection facility receives no more than 150,000 pounds of waste per day, or as otherwise indicated in authorization.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-3A.39(i)4</u>	<u>Failure to accept only RMW waste managed in accordance with N.J.A.C. 7:26-3A.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-3A.39(i)5</u>	<u>Failure to ensure only registered vehicles transport to and from facility.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-3A.39(i)6</u>	<u>Failure to ensure all waste at all times remains fully contained, and does not leak.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26-3A.39(i)9</u>	<u>Failure to ensure no odors are detected off-site. Odor causing waste to be disposed of immediately.</u>	<u>\$4,000</u>	<u>NM</u>	
<u>7:26-3A.39(i)10</u>	<u>Failure to implement and maintain effective security procedures.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-3A.39(i)13</u>	<u>Failure to implement routine housekeeping and maintenance procedures.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26-3A.39(i)16</u>	<u>Failure to ensure truck queuing is minimized, on-site traffic controls implemented.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-3A.39(i)17</u>	<u>Failure to ensure RMW is not staged, placed or stored beyond confines of facility or vehicle.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-3A.39(j)2</u>	<u>Failure to maintain O&M Manual at the facility.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26-3A.39(j)3</u>	<u>Failure to comply with training program requirements.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26-3A.39(j)6</u>	<u>Failure to maintain fire protection systems in operable condition, fire procedures posted.</u>	<u>\$3,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26-3A.39(j)8</u>	<u>Failure to maintain on site operating records, O&M manual.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-3A.39(j)9</u>	<u>Failure to maintain safety appliances in proper operating order, comply with O&M inspection schedules, maintain inspection records.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26-3A.39(k)</u>	<u>Failure to comply with recordkeeping and reporting requirements.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26-3A.40(c)3</u>	<u>Failure of intermediate handlers and destination facilities to ensure only approved treatment and destruction processes authorized by NJDEP and DOH are utilized.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-3A.41(a)</u>	<u>Failure of destination facility receiving RMW to sign and date tracking form, note discrepancies, provide copies to generator and transporter, and retain copy.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-3A.41(b)</u>	<u>Failure of intermediate handler receiving RMW to sign and date tracking form, note discrepancies, entering required information on new tracking form, keeping log, provide copies to generator and transporter, and retain copy.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-3A.41(c)</u>	<u>Failure of destination facility or intermediate handler receiving RMW from a rail transporter to comply with shipping form requirements.</u>	<u>\$2,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26-3A.41(d)</u>	<u>Failure of destination facility or intermediate handler to maintain shipping or tracking form for three years.</u>	<u>\$500</u>	<u>M</u>	<u>30</u>
<u>7:26-3A.41(f)</u>	<u>Failure of transporter to provide signed copies of the tracking form to the generator when the destination facility or intermediate facility is an out-of-State facility and will not comply with the tracking form requirements of N.J.A.C. 7:26-3a.41.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-3A.42</u>	<u>Failure to comply with tracking form discrepancy requirements.</u>	<u>\$500</u>	<u>M</u>	<u>30</u>
<u>7:26-3A.43</u>	<u>Failure to comply with recordkeeping requirements.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26-3A.44</u>	<u>Failure to collection facilities, intermediate handlers and/or destination facilities to comply with additional reporting requirements.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-3A.46</u>	<u>Failure of rail transporter to comply with tracking form requirements.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26-3A.47(a)</u>	<u>Failure of ensure alternative of innovative technology processes and any modifications are approved by the NJDEP and DOH prior to any marketing, sale or use in New Jersey.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26-3A.48(a,b)</u>	<u>Failure of an out-of-State organization using the U.S. Postal Service or other parcel service and disposing of regulated medical waste from New Jersey to comply with certification requirements.</u>	<u>\$2,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26-3A.48(c)</u>	<u>Failure of a RMW generator to ensure that RMW waste is not sent to any out-of-State facility which does not have a certificate on file with the Department.</u>	<u>\$5,000</u>	<u>NM</u>	

7. The violations of N.J.A.C. 7:26-6, Compliance with district solid waste management plan, and the civil administrative penalty amounts and grace period conditions for each violation are as set forth in the following table.

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26-6.12(b)</u>	<u>Failure to comply with the applicable district solid waste management plan.</u>	<u>\$3,000</u>	<u>NM</u>	

8. The violations of N.J.A.C. 7:26A-3, Approval of Recycling Centers for Class B, Class C and Class D Recyclable Materials, and the civil administrative penalty amounts and grace period conditions for each violation are as set forth in the following table.

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26A-3.1(a)</u>	<u>Failure of approved recycling center to comply with all approval conditions.</u>	<u>\$2,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26A-3.5(f)</u>	<u>Failure of recycling center to post a legible sign at the recycling center entrance indicating its approval and listing items detailed in 3.2(a)13i and ii.</u>	<u>\$500</u>	<u>M</u>	<u>30</u>
<u>7:26A.3.6</u>	<u>Failure to submit renewal application for a general approval to the Department at least three months prior to the current approval expiration and to comply with all submittal requirements.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-3.7(j)</u>	<u>Failure, within 45 days after expiration of the time period authorized by the limited approval to operate a recycling facility, to file a final report with the Department.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-3.7(k)</u>	<u>Failure of persons operating a limited approved recycling center to ensure that no illegal dumping occurs.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26A-3.8(a)</u>	<u>Failure to limit processing methods for tires to slicing, shredding, chipping, crumbing or other methods approved by the Department, prohibition to incinerating, landfilling, abandoning or otherwise illegally disposing of tires.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-3.8(b)</u>	<u>Failure by the owner or operator of the tire recycling center to ensure that no mosquito colony formation develops.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26A-3.8(c)</u>	<u>Failure of a tire, tree stump, tree part or wood waste recycling center to have an approved fire control plan.</u>	<u>\$5,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26A-3.9(a)</u>	<u>Failure of recycling center to ensure the temporary storage of Class B recyclable material does not exceed the amount indicated in the general or limited approval to operate.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26A-3.9(b)</u>	<u>Failure of recycling center to ensure that unprocessed Class B recyclable material is not stored in excess of one year from the date of receipt.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26A-3.10</u>	<u>Failure of recycling center to comply with modification requirements.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26A-3.15(a)</u>	<u>Failure to ensure a general or limited approval to operate a recycling center is not transferred without prior approval of the Department.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26A-3.15(c)</u>	<u>Failure to provide one copy of written request to transfer approval to the recycling coordinator and one copy to the applicable municipal planning board.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-3.17(a)</u>	<u>Failure of recycling center to comply with recordkeeping and annual reporting requirements.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>

9. The violations of N.J.A.C. 7:26A-4, Operational Standards and General Rules for Recycling Centers which Receive, Store, Process or Transfer Class A, Class B, Class C and Class D Recyclable Materials. Right of Entry and Inspection, and the civil administrative penalty amounts and grace period conditions for each violation are as set forth in the following table.

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26A-4.1(a)1i</u>	<u>Failure of recycling center to ensure that recyclable material is separated at the point of generation from other waste material.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-4.1(a)1ii</u>	<u>Failure of recycling center to ensure only Class A, Class B or Class C materials are received, stored, processed or transferred at the center.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-4.1(a)1iii</u>	<u>Failure of recycling center to comply with commingling requirements.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26A-4.1(a)2</u>	<u>Failure of recycling center to ensure residue is not stored on-site in excess of six months.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26A-4.1(a)4</u>	<u>Failure of recycling center to store residue separately from recyclable material and in a manner which prevents run-off, leakage or seepage from the residue storage area into, on or around the soil of the residue storage area.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26A-4.1(a)5</u>	<u>Failure of recycling center to ensure hazardous wastes are not stored, processed or transferred at any recycling center.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26A-4.1(a)6</u>	<u>Failure of recycling center to ensure electronic components which contain polychlorinated biphenyls (PCBs) and which are attached to or detached from appliances or other scrap metal, are not shredded, sheared or baled.</u>	<u>\$5,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26A-4.1(a)8</u>	<u>Failure to operate a recycling center in such a manner that the recycling center property is maintained free of litter and debris and such that tracking of mud into nearby streets is prevented.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-4.1(a)10</u>	<u>Failure of recycling center operator to ensure that traffic associated with the operation of the center does not result in a degradation of a level of service of any major intersection or public roadway within a half-mile radius.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26A-4.1(a)11</u>	<u>Failure of recycling center operator to ensure recycling center operations are separated from sensitive land uses by an effective visual screen buffer.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-4.1(a)12</u>	<u>Failure of recycling center operator to ensure unauthorized access to center is controlled.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26A-4.1(a)13</u>	<u>Failure of recycling center operator to ensure areas of vehicular usage are suitably compacted and, where necessary, paved.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-4.1(a)14</u>	<u>Failure of recycling center operator to have adequate water supply, firefighting equipment, and local fire department phone numbers phone numbers posted.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26A-4.4(a)</u>	<u>Failure by the owner or operator of a recycling center to provide a recycling tonnage report by February 1 of each year.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26A-4.4(b)</u>	<u>Failure by a transporter of recyclable materials to provide a recycling tonnage report by February 1 of each year.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-4.4(c)</u>	<u>Failure of exempt person to submit required tonnage reports by February 1 of each year.</u>	<u>\$500</u>	<u>M</u>	<u>30</u>
<u>7:26A-4.5(a)2</u>	<u>Failure of Class C yard trimming operator to ensure center has sufficient capacity to handle incoming volumes.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26A-4.5(a)3</u>	<u>Failure of Class C yard trimming operator to have properly trained individual supervising operation, access to facility prohibited when center is closed.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26A-4.5(a)4</u>	<u>Failure of Class C yard trimming operator to ensure yard trimmings are only received during times when operator is present.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26A-4.5(a)5</u>	<u>Failure of Class C yard trimming operator to ensure all trimmings received are removed from bags, boxes.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26A-4.5(a)6</u>	<u>Failure of Class C yard trimming operator to accept incoming materials containing grass, only in areas of the site that are at least 1,000 feet from any areas of human occupancy and to process such material within the working day.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-4.5(a)7i</u>	<u>Failure of Class C compost operators to attend, within one year of start up, approved composting courses.</u>	<u>\$1,000</u>	<u>M</u>	<u>90</u>

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26A-4.5(a)7ii</u>	<u>Failure of Class C compost operator to maintain improved active composting surface to prevent ponding or runoff.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26A-4.5(a)7iii</u>	<u>Failure of Class C yard trimming operator to moisten, without excess runoff, dry yard trimmings prior to windrow formation.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-4.5(a)7iv</u>	<u>Failure of Class C yard trimming operator to position windrows perpendicular to ground surface contours to prevent ponding.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26A-4.5(a)7v</u>	<u>Failure of Class C yard trimming operator to install windsock.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-4.5(a)7vi</u>	<u>Failure of Class C yard trimming operator to comply with windrow composting requirements.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26A-4.5(a)7vii</u>	<u>Failure of Class C yard trimming operator to comply with material staging and processing buffer distance requirements.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-4.5(a)7viii</u>	<u>Failure of Class C yard trimming operator to comply with finished compost testing requirements.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26A-4.5(a)7xii</u>	<u>Failure of Class C yard trimming operator to comply with additional recordkeeping requirements.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-4.5(b)1</u>	<u>Failure of Class C material operator to ensure center has sufficient capacity to handle incoming volumes.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26A-4.5(b)2</u>	<u>Failure of Class C material operator to comply with composting structure requirements, no ponding, leachate control.</u>	<u>\$2,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26A-4.5(b)3</u>	<u>Failure of Class C material operator to main fully enclosed operation.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26A-4.5(b)5</u>	<u>Failure of Class C material operator to comply with O&M manual requirements.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-4.5(b)7</u>	<u>Failure of Class C material operator to comply with employee training requirements.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-4.5(b)8</u>	<u>Failure of Class C material operator to develop a recycling center-specific training manual and make available to each employee.</u>	<u>\$500</u>	<u>M</u>	<u>30</u>
<u>7:26A-4.5(b)9</u>	<u>Failure of Class C material operator to have properly trained individual supervising operation.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26A-4.5(b)11</u>	<u>Failure of Class C material operator to comply with incoming organics processing timeframes and requirements.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26A-4.5(b)12</u>	<u>Failure of Class C material operator to ensure incoming, unprocessed material is not mixed with finished compost.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26A-4.5(b)13,14</u>	<u>Failure of Class C material operator to meet Process to Further Reduce Pathogens criteria and requirements.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26A-4.5(b)16</u>	<u>Failure of Class C material operator to comply with 15 month finished compost storage requirement.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-4.5(b)20</u>	<u>Failure of Class C material operator to conduct required QA/QC sampling and record results of such sampling.</u>	<u>\$2,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26A-4.5(b)21</u>	<u>Failure of Class C material operator to have analysis of finished compost product conducted by laboratory certified in accordance with N.J.A.C. 7:18.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26A-4.5(b)22</u>	<u>Failure of Class C material operator to maintain required records.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-4.5(b)23</u>	<u>Failure of Class C material operator to submit quarterly report to the Department within 30 days after the end of each quarter.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-4.5(c)1</u>	<u>Failure of Class C operator to comply with labeling requirements.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26A-4.5(c)2</u>	<u>Failure of Class C operator to comply with compost utilization requirements.</u>	<u>\$2,000</u>	<u>NM</u>	

10. The violations of N.J.A.C. 7:26A-5, Requirements for Processing Discarded Appliances that Contain Refrigerant Fluid, and the civil administrative penalty amounts and grace period conditions for each violation are as set forth in the following table.

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26A-5.1(a)</u>	<u>Failure to ensure no shearing, shredding, baling or other actions which could cause release of refrigerant fluid to take place occurs prior to recovery of such fluid.</u>	<u>\$5,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26A-5.1(b)</u>	<u>Failure to recover refrigerant fluid in a manner such that no venting of refrigerant fluid occurs.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26A-5.1(c)</u>	<u>Failure to deliver recovered refrigerant fluid to a facility which has agreed to reprocess the fluid or, if such arrangements cannot be made, failure to store or dispose of the recovered fluid in accordance with applicable rules and regulations.</u>	<u>\$5,000</u>	<u>NM</u>	

11. The violations of N.J.A.C. 7:26A-6, Standards for the Management of Used Oil, and the civil administrative penalty amounts and grace period conditions for each violation are as set forth in the following table.

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26A-6.1(a)2i(1)</u>	<u>Failure to manage used oil mixed with a listed hazardous waste as a hazardous waste in accordance with N.J.A.C. 7:26G.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26A-6.1(a)2ii(1)</u>	<u>Failure to manage used oil mixed with a characteristic hazardous waste or a listed hazardous waste that is listed solely because it exhibits one or more hazardous waste characteristics as a hazardous waste in accordance with N.J.A.C. 7:26G.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26A-6.1(a)4ii</u>	<u>Failure by used oil generator to comply with management requirements for diesel fuel mixed</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
	<u>with used diesel crankcase oil.</u>			
<u>7:26A-6.1(a)9</u>	<u>Failure by a marketer or burner to comply with requirements of 40 C.F.R. 761.20(e) for used oil containing quantifiable levels of PCBs</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26A-6.2(a)</u>	<u>Failure to meet one or more of the specifications for a used oil fuel identified in Table 1 of N.J.A.C. 7:26A-6.2(a) prior to burning for energy recovery.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26A-6.3(a)</u>	<u>Failure to comply with requirements for managing used oil in a surface impoundment or waste pile.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26A-6.3(b)</u>	<u>Failure to comply with prohibition against using used oil as a dust suppressant.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26A-6.3(c)</u>	<u>Person burned off-specification used oil in a device other than an industrial furnace, industrial or utility boiler or hazardous waste incinerator, or failed to obtain a "Permit to Construct, Install or Alter Control Apparatus or Equipment and Certificate to Operate Control Apparatus" prior to burning off-specification used oil in one of these devices.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26A-6.3(d)</u>	<u>Failure to comply with the prohibition against burning on-specification used oil fuel in either a residential or Category I institutional device, furnace or boiler.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-6.3(e)</u>	<u>Failure to comply with the prohibition against burning on-specification used oil in an oil-fired space heater that fails to meet the requirements of N.J.A.C. 7:26A-</u>	<u>\$3,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
	<u>6.4(e).</u>			
<u>7:26A-6.3(f)</u>	<u>Failure to comply with the prohibition against burning off-specification used oil in a space heater.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.4(d)1</u>	<u>Failure of used oil generator storing used oil to comply with applicable Spill Prevention, Control and Countermeasures regulations, Clean Air Act regulations or Underground Storage Tank regulations.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.4(d)3</u>	<u>Failure of used oil generator to ensure containers or aboveground tanks used to store used oil storage units are in good condition or not leaking.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.4(d)4</u>	<u>Failure of used oil generator to comply with used oil labeling/marketing requirements.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-6.4(d)5</u>	<u>Failure of used oil generator to comply with or initiate response to releases.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.4(e)1</u>	<u>Failure of used oil generator to burn only self-generated or household do-it-yourselfer used oil in a space heater.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.4(e)2</u>	<u>Used oil generator burned used oil in an oil space heater that exceeded the maximum capacity of 0.5 million BTU per hour.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-6.4(e)3</u>	<u>Failure of used oil generator to vent combustion gases from a space heater to ambient air.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.4(f)</u>	<u>Failure of used oil generator to comply with used oil off-site shipment requirements.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.4(g)</u>	<u>Failure to comply with do-it-yourselfer and motor oils retailer</u>	<u>\$500</u>	<u>M</u>	<u>30</u>

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
	<u>requirements.</u>			
<u>7:26A-6.5(a)</u>	<u>Failure of an owner or operator of a State of New Jersey permitted reinspection center, or a retail service station that has used oil collection tanks on the premises, to accept do-it-yourself used oil in accordance with N.J.A.C. 7:26A-6.5(a).</u>	<u>\$500</u>	<u>M</u>	<u>30</u>
<u>7:26A-6.5(b)2</u>	<u>Failure of do-it-yourself used oil collection center to comply with the generator standards at N.J.A.C. 7:26A-6.4.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-6.5(c)2i</u>	<u>Failure of used oil collection center to comply with the generator standards at N.J.A.C. 7:26A-6.4.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-6.5(c)2ii</u>	<u>Failure of used oil collection center to register or be recognized by county or municipality as a used oil collection center.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-6.5(c)2iii</u>	<u>Failure of used oil collection center to comply with sign posting requirements.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-6.6(a)4</u>	<u>Failure of used oil transporter to comply with the Federal Motor Carrier Safety and Federal Hazardous Materials Transportation regulations, or to comply with the provisions of this subchapter as indicated in (a)4i through v when performing the listed activities.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.6(b)</u>	<u>Used oil transporter conducted non-incidental processing of used oil.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26A-6.6(c)</u>	<u>Failure of used oil transporter and/or transfer facility to comply with the notification and/or EPA identification requirements.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26A-6.6(d)1</u>	<u>Failure of used oil transporter to</u>	<u>\$3,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
	<u>comply with delivery requirements.</u>			
<u>7:26A-6.6(d)2</u>	<u>Failure of used oil transporter to comply with 49 CFR 171 through 180 requirements.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.6(d)3</u>	<u>Failure of used oil transporter to comply with used oil transportation discharge requirements.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.6(e)1</u>	<u>Failure of used oil transporter to determine if total halogen content is equal to, less than or greater than 1000 p.p.m. for used oil being transported or stored.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.6(e)5</u>	<u>Failure of used oil transporter to retain records of analyses or other information, used to ensure used oil is not a hazardous waste, for 3 years.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.6(f)1</u>	<u>Failure of used oil transporter and/or transfer facility, storing used oil, to comply with applicable Spill Prevention, Control and Countermeasures regulations, Clean Air Act regulations or Underground Storage Tank regulations.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.6(f)4</u>	<u>Failure of used oil transfer facility to ensure containers or aboveground tanks are in good condition or not leaking.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.6(f)5</u>	<u>Failure of used oil transfer facility to comply with secondary containment requirements for containers.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.6(f)6</u>	<u>Failure of used oil transfer facility to comply with secondary containment requirements for existing aboveground tanks.</u>	<u>\$3,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26A-6.6(f)7</u>	<u>Failure of used oil transfer facility to comply with secondary containment requirements for new aboveground tanks.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.6(f)8</u>	<u>Failure of used oil transfer facility to comply with used oil labeling requirements.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-6.6(f)9</u>	<u>Failure by used oil transfer facility to comply with used oil facility discharge requirements.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.6(g)</u>	<u>Failure of used oil transporter to comply with tracking requirements.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.7(b)</u>	<u>Failure of used oil processor or re-refining facility to comply with notification and/or EPA identification requirements.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26A-6.7(c)1i</u>	<u>Failure of used oil processor or re-refining facility to maintain or operate facility to minimize possibilities of fire, explosion or any unplanned sudden or non-sudden releases of used oil.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26A-6.7(c)1ii</u>	<u>Failure of used oil processor or re-refining facility to equip facility with emergency equipment.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.7(c)1iii</u>	<u>Failure of used oil processor or re-refining facility to test and maintain emergency equipment.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-6.7(c)1iv</u>	<u>Failure of used oil processor or re-refining facility to maintain access to communications or alarm system.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-6.7(c)1v</u>	<u>Failure of used oil processor or re-refining facility to maintain sufficient aisle space for the unobstructed movement of personnel or equipment in an emergency.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26A-6.7(c)1vi</u>	<u>Failure of used oil processor or re-refining facility to make required arrangements with police or fire departments, emergency response contractors, equipment suppliers, or local hospitals, or to document any such authority's refusal of such arrangements.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-6.7(c)2i(1)</u>	<u>Failure of used oil processor or re-refining facility to have a contingency plan designed to minimize hazards to human health and the environment.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.7(c)2i(2)</u>	<u>Failure of used oil processor or re-refining facility to carry out provisions of the contingency plan immediately if there is a fire, explosion or release of used oil.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26A-6.7(c)2ii(1)</u>	<u>Failure of used oil processor or re-refining facility contingency plan to describe actions to be taken in response to fires, explosions, or any unplanned sudden or non-sudden release.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-6.7(c)2ii(2)</u>	<u>Failure of used oil processor or re-refining facility to amend its SPCC (40 C.F.R. 112 or Part 1510 of chapter V) or DPCC (N.J.A.C. 7.1E) plan, to incorporate used oil management provisions.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-6.7(c)2ii(3)</u>	<u>Failure of used oil processor or re-refining facility contingency plan to describe arrangements agreed to by local police or fire departments, hospitals, contractors, or State or local emergency response teams.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-6.7(c)2ii(4)</u>	<u>Failure of used oil processor or re-refining facility contingency plan to list names, addresses or phone numbers of persons qualified to act</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
	<u>as emergency coordinator.</u>			
<u>7:26A-6.7(c)2ii(5)</u>	<u>Failure of used oil processor or re-refining facility contingency plan to list emergency equipment, updated as required, with its location, description, or capabilities specified.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-6.7(c)2ii(6)</u>	<u>Failure of used oil processor or re-refining facility contingency plan to include evacuation procedure for personnel including signals, evacuation routes or alternate evacuation routes</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-6.7(c)2iii</u>	<u>Failure of used oil processor or re-refining facility contingency plan to be maintained at facility with a copy sent to local police or fire departments, hospitals or State or local emergency response teams.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-6.7(c)2iv</u>	<u>Failure of used oil processor or re-refining facility to review or amend contingency plan as necessary.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-6.7(c)2v</u>	<u>Failure of used oil processor or re-refining facility to make emergency coordinator thoroughly familiar with plan or available at all times.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.7(c)2vi(1)</u>	<u>Failure of used oil processor or re-refining facility emergency coordinator to activate alarms or communications systems, or to notify appropriate State or local agencies.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.7(c)2vi(2)</u>	<u>Failure of used oil processor or re-refining facility emergency coordinator to immediately identify the character, exact source, amount, and any real extent of any released materials.</u>	<u>Matrix</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26A- 6.7(c)2vi(3)</u>	<u>Failure of used oil processor or re-refining facility emergency coordinator to assess possible hazards to human health and environment.</u>	<u>Matrix</u>	<u>NM</u>	
<u>7:26A- 6.7(c)2vi(4)</u>	<u>Failure of used oil processor or re-refining facility emergency coordinator to notify appropriate emergency response agencies in situations threatening human health and environment.</u>	<u>Matrix</u>	<u>NM</u>	
<u>7:26A- 6.7(c)2vi(5)</u>	<u>Failure of used oil processor or re-refining facility emergency coordinator to take reasonable measures to ensure hazards are minimized.</u>	<u>Matrix</u>	<u>NM</u>	
<u>7:26A- 6.7(c)2vi(6)</u>	<u>Failure of the used oil processor or re-refining facility emergency coordinator to monitor leaks, pressure buildup, gas generation, or ruptures, if the facility stopped operating due to fire, explosion or discharge.</u>	<u>Matrix</u>	<u>NM</u>	
<u>7:26A- 6.7(c)2vi(7)</u>	<u>Failure of used oil processor or re-refining facility emergency coordinator to provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or other material.</u>	<u>Matrix</u>	<u>NM</u>	
<u>7:26A- 6.7(c)2vi(8)A-B</u>	<u>Failure of used oil processor or re-refining facility emergency coordinator to insure that in affected area of facility no incompatible waste is treated, stored or disposed of until cleanup procedures are complete, or to insure that emergency equipment is cleaned and fit for intended use before operations are resumed.</u>	<u>Matrix</u>	<u>NM</u>	
<u>7:26A-</u>	<u>Failure of used oil processor or re-</u>	<u>Matrix</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>6.7(c)2vi(8)(C)</u>	<u>refining facility to notify Department and local authorities that facility is in compliance before operations are resumed.</u>			
<u>7:26A- 6.7(c)2vi(9)</u>	<u>Failure of used oil processor or re- refining facility to submit incident report to Department within 15 days after an incident.</u>	<u>\$500</u>	<u>M</u>	<u>30</u>
<u>7:26A-6.7(d)1</u>	<u>Failure of used oil processor or re- refining facility to determine if total halogen content is equal to, less than or greater than 1000 p.p.m. for used oil being transported or stored.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.7(d)4</u>	<u>Failure of used oil processor or re- refining facility to ship used oil that fails the rebuttable presumption, for mixing as a hazardous waste, using a New Jersey licensed hazardous waste transporter.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.7(e)1</u>	<u>Failure of used oil processor or re- refining facility, storing used oil, to comply with applicable Spill Prevention, Control and Countermeasures regulations, Clean Air Act regulations or Underground Storage Tank regulations.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.7(e)3</u>	<u>Failure of used oil processor or re- refining facility to ensure containers or aboveground tanks, used to store or process used oil, are in good condition or not leaking.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.7(e)4</u>	<u>Failure of used oil processor or re- refining facility to comply with secondary the containment requirements for containers used to store or process used oil.</u>	<u>\$3,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26A-6.7(e)5</u>	<u>Failure of used oil processor or re-refining facility to comply with the secondary containment requirements for existing aboveground tanks used to store or process used oil.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.7(e)6</u>	<u>Failure of used oil processor or re-refining facility to comply with the secondary containment requirements for new aboveground tanks used to store or process used oil.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.7(e)7</u>	<u>Failure of used oil processor or re-refining facility to comply with used oil labeling requirements.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-6.7(e)8</u>	<u>Failure of used oil processor or re-refining facility to comply with or initiate response to releases.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.7(e)9i(1)</u>	<u>Failure of used oil processor or re-refining facility at closure, who stored or processed used oil tanks, to remove or decontaminate all used oil residues in tanks, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them appropriately.</u>	<u>\$10,000</u>	<u>NM</u>	
<u>7:26A-6.7(e)9i(2)</u>	<u>Failure of used oil processor or re-refining facility that cannot remove all contamination from tank systems at closure to follow closure requirements for landfills.</u>	<u>\$10,000</u>	<u>NM</u>	
<u>7:26A-6.7(e)9ii(1)</u>	<u>Failure of used oil processor or re-refining facility at closure, who stored used oil in containers, to remove from the site all containers holding used oil or residues of used oil.</u>	<u>\$3,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26A-6.7(e)9ii(2)</u>	<u>Failure of used oil processor or re-refining facility at closure, who stored used oil in containers, to remove or decontaminate all used oil residues, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them appropriately.</u>	<u>\$10,000</u>	<u>NM</u>	
<u>7:26A-6.7(f)</u>	<u>Failure of used oil processor or re-refining facility to develop or follow a written waste analysis plan in accordance with requirements at N.J.A.C. 7:26A-6.7(f).</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26A-6.7(g)</u>	<u>Failure of used oil processor or re-refining facility to comply with used oil tracking standards and records.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.7(h)</u>	<u>Failure of used oil processor or re-refining facility to comply with operating record and reporting standards.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.7(i)</u>	<u>Failure by used oil processor or re-refining facility to ensure used oil transporter has an EPA identification number.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-6.7(j)</u>	<u>Failure by used oil processor or re-refining facility to manage process residues in accordance with N.J.A.C. 7:26A-6.1(a)5.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.8(b)1</u>	<u>Used oil burner burned off-specification used oil in a device other than an industrial furnace, industrial or utility boiler or hazardous waste incinerator or burned off-specification used oil in these devices without a "Permit to Construct, Install or Alter Control</u>	<u>\$5,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
	<u>Apparatus or Equipment and Certificate to Operate Control Apparatus".</u>			
<u>7:26A-6.8(b)2i</u>	<u>Failure by used oil burner to comply with prohibition against aggregating off specification used oil with other fuels to produce an on-specification used oil fuel.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26A-6.8(c)</u>	<u>Failure of used oil burner to comply with notification and/or EPA identification requirements.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.8(d)1</u>	<u>Failure of used oil burner to determine if total halogen content is equal to, less than or greater than 1000 p.p.m. for used oil being transported or stored.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26A-6.8(d)4</u>	<u>Failure by used oil burner to retain records of analyses, or other information used to ensure used oil is not a hazardous waste, for 3 years.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.8(e)3</u>	<u>Failure of used oil burner to ensure containers or aboveground tanks are in good condition or not leaking.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.8(e)4</u>	<u>Failure of used oil burner, storing used oil in containers, to comply with the secondary containment requirements.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.8(e)5</u>	<u>Failure of used oil burner, storing used oil in existing aboveground tank(s), to comply with the secondary containment requirements.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.8(e)6</u>	<u>Failure of used oil burner, storing used oil in new aboveground tank(s), to comply with secondary containment requirements.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.8(e)7</u>	<u>Failure of used oil burner to comply with used oil-labeling</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
	<u>requirements.</u>			
<u>7:26A-6.8(e)8</u>	<u>Failure of used oil burner to comply with or initiate response to releases.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.8(f)</u>	<u>Failure of used oil burner to comply with operating record and recordkeeping standards.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.8(g)</u>	<u>Failure of a used oil burner facility to comply with first-time notice and recordkeeping standards.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.8(h)</u>	<u>Failure of used oil burner to manage residues from storage or burning in accordance with N.J.A.C. 7:26A-6.1(a)5.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.9(a)3</u>	<u>Failure of used oil fuel marketer to comply with the standards for used oil generators, transporters/transfer facilities, processors/re-refiners or burners.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.9(b)</u>	<u>Failure of a used oil fuel marketer to ship off-specification used oil only to an authorized burner facility.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26A-6.9(c)1</u>	<u>Failure of a used oil generator, transporter, processor/re-refiner or burner to determine if used oil meets the fuel specification at N.J.A.C. 7:26A-6.2 or failure to provide a copy of analyses or other information to facility receiving shipment of used oil.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26A-6.9(c)2</u>	<u>Failure of first person claiming used oil fuel meets fuel specification at N.J.A.C. 7:26A-6.2 to retain copies of analyses or other information used to make determination for 3 years.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.9(d)1</u>	<u>Failure of used oil fuel marketer to comply with notification and/or EPA identification requirements.</u>	<u>\$3,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26A-6.9(e)1</u>	<u>Failure of used oil fuel marketer to comply with invoicing requirements for off-specification used oil fuel.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.9(e)2</u>	<u>Failure of used oil fuel marketer to comply with tracking requirements for shipments of off-specification used oil fuel.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.9(e)3</u>	<u>Failure of first person claiming used oil fuel meets fuel specification at N.J.A.C. 7:26A-6.2 to comply with tracking requirements for shipments of on-specification used oil fuel.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.9(f)</u>	<u>Failure by a used oil marketers to comply with notice standards.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.10(b)1</u>	<u>Failure to manage used oil that has been identified as a hazardous waste and cannot be recycled, as a hazardous waste.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26A-6.10(b)2</u>	<u>Failure to manage used oil that is not hazardous waste and cannot be recycled, as a solid waste</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-6.10(c)</u>	<u>Failure to comply with prohibition against using used oil as a dust suppressant.</u>	<u>\$5,000</u>	<u>NM</u>	

12. The violations of 40 CFR 273 and N.J.A.C. 7:26A-7, Standards for the management of Universal Waste, and the civil administrative penalty amounts for each violation, are as set forth in the following table.

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
	<u>Standards for the Management of Class D Universal Waste</u>			
	<u>Management standards for Small Quantity Handlers (40 CFR)</u>			
<u>§273.11</u>	<u>Failure of Small Quantity</u>	<u>\$3,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
	<u>Handler of Universal Waste to comply with universal waste prohibitions.</u>			
<u>§273.13(a)1</u>	<u>Failure of Small Quantity Handler of Universal Waste to place universal waste batteries which show evidence of leakage, spillage or damage in a container that is closed, structurally sound, compatible with the contents of the batteries, and non-leaking.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>§273.13(a)2</u>	<u>Failure of Small Quantity Handler of Universal Waste conducting activities not to breach the casing of individual battery cells.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>§273.13(a)3</u>	<u>Failure of Small Quantity Handler of Universal Waste to determine if removed electrolyte or other solid waste is hazardous and to manage it in compliance with all appropriate regulations.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§273.13(b)1</u>	<u>Failure of Small Quantity Handler of Universal Waste to place universal waste pesticides in a container that is closed, structurally sound, compatible with the pesticide, and non-leaking.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>§273.13(b)2</u>	<u>Failure of Small Quantity Handler of Universal Waste to overpack containers of universal waste pesticides which did not meet 40 C.F.R. §273.13(b)1.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>§273.13(b)3</u>	<u>Failure of Small Quantity Handler of Universal Waste to contain universal waste pesticides in a tank which meets the requirements of 40 C.F.R. §265</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
	Subpart J.			
<u>§273.13(b)4</u>	<u>Failure of Small Quantity Handler of Universal Waste to place universal waste pesticides in a transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and non-leaking.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>§273.13(c)1</u>	<u>Failure of Small Quantity Handler of Universal Waste to place universal waste thermostats which show evidence of leakage, spillage or damage in a container that is closed, structurally sound, compatible with the contents of the thermostat, and non-leaking.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>§273.13(c)2i</u>	<u>Failure of Small Quantity Handler of Universal Waste to remove mercury-containing ampules in a manner designed to prevent breakage of the ampules.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>§273.13(c)2ii</u>	<u>Failure of Small Quantity Handler of Universal Waste to remove mercury-containing ampules only over or in a containment device.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>§273.13(c)2iii</u>	<u>Failure of Small Quantity Handler of Universal Waste to ensure that a mercury clean-up system is readily available to immediately transfer any mercury, resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of 40 C.F.R. §262.34.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>§273.13(c)2iv</u>	<u>Failure of Small Quantity Handler of Universal Waste to</u>	<u>\$1,000</u>	<u>M</u>	<u>1</u>

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
	<u>immediately transfer any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 40 C.F.R. §262.34.</u>			
<u>§273.13(c)2v</u>	<u>Failure of Small Quantity Handler of Universal Waste to ensure that the area in which mercury-containing ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA permissible exposure levels for mercury.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>§273.13(c)2vi</u>	<u>Failure of Small Quantity Handler of Universal Waste to ensure that employees removing mercury-containing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>§273.13(c)2vii</u>	<u>Failure of Small Quantity Handler of Universal Waste to store mercury-containing ampules in closed, non-leaking containers that are in good condition.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>§273.13(c)2viii</u>	<u>Failure of Small Quantity Handler of Universal Waste to pack mercury-containing ampules in containers with packing materials adequate to prevent breakage during storage, handling, and transportation.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>§273.13(c)3</u>	<u>Failure of Small Quantity Handler of Universal Waste, who removes mercury-containing</u>	<u>\$5,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
	<u>ampules from thermostats, to determine if any waste generated exhibits a characteristic of hazardous waste, and to manage the waste in compliance with all appropriate regulations.</u>			
<u>§273.13(d)1</u>	<u>Failure of Small Quantity Handler of Universal Waste to place universal waste lamps which show evidence of leakage, spillage or damage in a container that is closed, structurally sound, compatible with the contents of the lamp, and non-leaking.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>§273.13(d)2</u>	<u>Failure of Small Quantity Handler of Universal Waste to clean up and place any lamp that is broken or that shows evidence of breakage, leakage, or damage that could cause the release of hazardous constituents, into a container that is closed, structurally sound, compatible with the consumer electronic, and non-leaking.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>§273.14(a)</u>	<u>Failure of Small Quantity Handler of Universal Waste to properly label or mark universal waste batteries or containers of universal waste batteries.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>§273.14(b)</u>	<u>Failure of Small Quantity Handler of Universal Waste to properly label or mark containers, tanks, transport vehicles or vessels of recalled universal waste pesticides.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>§273.14(c)</u>	<u>Failure of Small Quantity Handler of Universal Waste to properly label or mark</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
	<u>containers, tanks, transport vehicles or vessels of unused universal waste pesticides.</u>			
<u>§273.14(d)</u>	<u>Failure of Small Quantity Handler of Universal Waste to properly label or mark universal waste thermostats or containers of universal waste thermostats.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>§273.14(e)</u>	<u>Failure of Small Quantity Handler of Universal Waste to properly label or mark universal waste lamps or containers of universal waste lamps.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>§273.15(a)-(b)</u>	<u>Small Quantity Handler of Universal Waste accumulated universal waste for greater than one year, without proving the accumulation was solely for the purpose of facilitating proper recovery, treatment or disposal.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§273.15(c)</u>	<u>Failure of Small Quantity Handler of Universal Waste to demonstrate the length of time that the universal waste was accumulated.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>§273.16</u>	<u>Failure of Small Quantity Handler of Universal Waste to ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>§273.17(a)</u>	<u>Failure of Small Quantity Handler of Universal Waste to immediately contain any releases or residues of universal waste.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§273.17(b)</u>	<u>Failure of Small Quantity Handler of Universal Waste to determine if any material resulting from the release of</u>	<u>\$5,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
	<u>universal waste is hazardous, and to properly manage the waste.</u>			
<u>§273.18(a)</u>	<u>Small Quantity Handler of Universal Waste sent or took universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination</u>	<u>\$3,000</u>	<u>NM</u>	
<u>§273.18(b)</u>	<u>Failure of Small Quantity Handler of Universal Waste who self-transport to comply with the requirements at 40 C.F.R. §273 Subpart D and N.J.A.C. 7:26A-7.4.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>§273.18(c)</u>	<u>Failure of Small Quantity Handler of Universal Waste to properly package, label, mark, placard or complete the proper shipping papers for shipments of universal waste which are hazardous materials.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>§273.18(d)</u>	<u>Failure of the originating handler to ensure that the receiving handler agrees to accept the universal waste.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>§273.18(e)</u>	<u>Failure of Small Quantity Handler of Universal Waste to receive back or agree on an alternate facility for rejected shipments of universal waste.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§273.18(f)</u>	<u>Failure of Small Quantity Handler of Universal Waste to properly reject shipments of universal waste</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§273.18(g)</u>	<u>Failure of Small Quantity Handler of Universal Waste to immediately notify the Department if an illegal shipment of hazardous waste, that was</u>	<u>\$5,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
	<u>shipped as universal waste, is received.</u>			
<u>§273.20(a)</u>	<u>Failure of Small Quantity Handler of Universal Waste to comply with the requirements of a primary exporter when shipping universal waste to a foreign destination.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>§273.20(b)</u>	<u>Small Quantity Handler of Universal Waste exported universal waste without consent of the receiving country and/or not in conformance with EPA Acknowledgement of Consent.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§273.20(c)</u>	<u>Failure of Small Quantity Handler of Universal Waste that exported universal waste to provide a copy of the EPA Acknowledgement of Consent to the transporter.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>Management standards for Small Quantity Handlers (N.J.A.C. 7:26A)</u>				
<u>7:26A-7.4(b)1</u>	<u>Failure of Small Quantity Handler of Universal Waste to place a consumer electronic that shows evidence of leakage, spillage, or damage that could cause leakage, in a container that is closed, structurally sound, compatible with the consumer electronic, and non-leaking.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-7.4(b)2</u>	<u>Small Quantity Handler of Universal Waste disassembled a consumer electronic in a manner that constituted processing or treatment.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-7.4(b)3</u>	<u>Failure of Small Quantity Handler of Universal Waste who generates a solid waste, as the result of performing activities, to</u>	<u>\$5,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
	<u>determine if the waste is hazardous.</u>			
<u>7:26A-7.4(c)1</u>	<u>Failure of Small Quantity Handler of Universal Waste to place any universal waste mercury-containing device that shows evidence of leakage, spillage, or damage that could cause leakage, in a container that is closed, structurally sound, compatible with the contents of the mercury-containing device, and non-leaking.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-7.4(c)2i</u>	<u>Failure of Small Quantity Handler of Universal Waste to remove mercury containing ampules in a manner designed to prevent breakage of the ampules.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-7.4(c)2ii</u>	<u>Failure of Small Quantity Handler of Universal Waste to remove mercury-containing ampules only over or in a containment device.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-7.4(c)2iii</u>	<u>Failure of Small Quantity Handler of Universal Waste to ensure that a mercury clean-up system is readily available to immediately transfer any mercury, resulting from spills or leaks from broken ampules, to a container that meets the requirements of 40 C.F.R. §262.34.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-7.4(c)2iv</u>	<u>Failure of Small Quantity Handler of Universal Waste to immediately transfer any mercury, resulting from spills or leaks from broken ampules, from the containment device to a</u>	<u>\$1,000</u>	<u>M</u>	<u>1</u>

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
	<u>container that meets the requirements of 40 C.F.R. §262.34.</u>			
<u>7:26A-7.4(c)2v</u>	<u>Failure of Small Quantity Handler of Universal Waste to ensure that any area where mercury-containing ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA permissible exposure levels for mercury.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-7.4(c)2vi</u>	<u>Failure of Small Quantity Handler of Universal Waste to ensure that employees removing mercury-containing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-7.4(c)2vii</u>	<u>Failure of Small Quantity Handler of Universal Waste to store mercury-containing ampules in closed, non-leaking containers that are in good condition.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-7.4(c)2viii</u>	<u>Failure of Small Quantity Handler of Universal Waste to pack mercury-containing ampules in a container with packing materials adequate to prevent breakage during storage, handling, and transportation.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-7.4(c)3</u>	<u>Failure of Small Quantity Handler of Universal Waste, who removes mercury-containing ampules, to determine if any waste generated exhibits a characteristic of hazardous waste, and to manage the waste in</u>	<u>\$5,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
	<u>compliance with all appropriate regulations..</u>			
<u>7:26A-7.4(d)</u>	<u>Failure of Small Quantity Handler of Universal Waste to manage oil-based finishes, in its original or otherwise appropriate and labeled packaging.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-7.4(d)1</u>	<u>Failure of Small Quantity Handler of Universal Waste to place any universal waste oil-based finish that shows evidence of leakage, spillage, or damage that could cause leakage, into a container that is closed, structurally sound, compatible with the contents of the oil-based finish, and non-leaking.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-7.4(d)2</u>	<u>Small Quantity Handler of Universal Waste to handled universal waste oil-based finishes in a manner that constituted processing.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>Management standards for Large Quantity Handlers (40 CFR)</u>				
<u>§273.31</u>	<u>Failure of Large Quantity Handler of Universal Waste to comply with universal waste prohibitions.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>§273.32(a)</u>	<u>Failure of Large Quantity Handler of Universal Waste to send a written notification to the Department and/or receive an EPA Identification Number prior to meeting or exceeding the 5,000 kg storage limit.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§273.32(b)</u>	<u>Failure of Large Quantity Handler of Universal Waste to include all information on the written notification to the Department.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>§273.33(a)1</u>	<u>Failure of Large Quantity Handler of Universal Waste to place universal waste batteries which show evidence of leakage, spillage or damage in a container that is closed, structurally sound, compatible with the contents of the batteries, and non-leaking.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>§273.33(a)2</u>	<u>Failure of Large Quantity Handler of Universal Waste conducting activities not to breach the casing of individual battery cells.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>§273.33(a)3</u>	<u>Failure of Large Quantity Handler of Universal Waste to determine if removed electrolyte or other solid waste is hazardous and to manage it in compliance with all appropriate regulations.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§273.33(b)1</u>	<u>Failure of Large Quantity Handler of Universal Waste to place universal waste pesticides in a container that is closed, structurally sound, compatible with the pesticide, and non-leaking.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>§273.33(b)2</u>	<u>Failure of Large Quantity Handler of Universal Waste to overpack containers of universal waste pesticides which did not meet requirements of 40 C.F.R. §273.33(b)1.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>§273.33(b)3</u>	<u>Failure of Large Quantity Handler of Universal Waste to contain universal waste pesticides in a tank which meets the requirements of 40 C.F.R. §265 Subpart J.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>§273.33(b)4</u>	<u>Failure of Large Quantity</u>	<u>\$3,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
	<u>Handler of Universal Waste to place universal waste pesticides in a transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and non-leaking.</u>			
<u>§273.33(c)1</u>	<u>Failure of Large Quantity Handler of Universal Waste to place universal waste thermostats which show evidence of leakage, spillage or damage in a container that is closed, structurally sound, compatible with the contents of the thermostat, and non-leaking.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>§273.33(c)2i</u>	<u>Failure of Large Quantity Handler of Universal Waste to remove mercury-containing ampules in a manner designed to prevent breakage of the ampules.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>§273.33(c)2ii</u>	<u>Failure of Large Quantity Handler of Universal Waste to remove mercury-containing ampules only over or in a containment device.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>§273.33(c)2iii</u>	<u>Failure of Large Quantity Handler of Universal Waste to ensure that a mercury clean-up system is readily available to immediately transfer any mercury, resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of 40 C.F.R. §262.34.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>§273.33(c)2iv</u>	<u>Failure of Large Quantity Handler of Universal Waste to immediately transfer any mercury resulting from spills or</u>	<u>\$1,000</u>	<u>M</u>	<u>1</u>

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
	<u>leaks from broken ampules from the containment device to a container that meets the requirements of 40 C.F.R. §262.34.</u>			
<u>§273.33(c)2v</u>	<u>Failure of Large Quantity Handler of Universal Waste to ensure that the area in which mercury-containing ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA permissible exposure levels for mercury.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>§273.33(c)2vi</u>	<u>Failure of Large Quantity Handler of Universal Waste to ensure that employees removing mercury-containing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>§273.33(c)2vii</u>	<u>Failure of Large Quantity Handler of Universal Waste to store mercury-containing ampules in closed, non-leaking containers that are in good condition.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>§273.33(c)2viii</u>	<u>Failure of Large Quantity Handler of Universal Waste to pack mercury-containing ampules in containers with packing materials adequate to prevent breakage during storage, handling, and transportation.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>§273.33(c)3</u>	<u>Failure of Large Quantity Handler of Universal Waste, who removes mercury-containing ampules from thermostats, to determine if any waste generated</u>	<u>\$5,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
	<u>exhibits a characteristic of hazardous waste, and to manage the waste in compliance with all appropriate regulations.</u>			
<u>§273.33(d)1</u>	<u>Failure of Large Quantity Handler of Universal Waste to place universal waste lamps in a container that is closed, structurally sound, compatible with the contents of the lamp, and non-leaking.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>§273.33(d)2</u>	<u>Failure of Large Quantity Handler of Universal Waste to clean up and place any lamp that is broken or that shows evidence of breakage, leakage, or damage that could cause the release of hazardous constituents, in a container that is closed, structurally sound, compatible with the consumer electronic, and non-leaking.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>§273.34(a)</u>	<u>Failure of Large Quantity Handler of Universal Waste to properly label or mark universal waste batteries or containers of universal waste batteries.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>§273.34(b)</u>	<u>Failure of Large Quantity Handler of Universal Waste to properly label or mark containers, tanks, transport vehicles or vessels of recalled universal waste pesticides.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>§273.34(c)</u>	<u>Failure of Large Quantity Handler of Universal Waste to properly label or mark containers, tanks, transport vehicles or vessels of unused universal waste pesticides.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>§273.34(d)</u>	<u>Failure of Large Quantity Handler of Universal Waste to properly label or mark universal waste thermostats or containers of universal waste thermostats.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>§273.34(e)</u>	<u>Failure of Large Quantity Handler of Universal Waste to properly label or mark universal waste lamps or containers of universal waste lamps.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>§273.35(a)-(b)</u>	<u>Large Quantity Handler of Universal Waste accumulated universal waste for greater than one year, without proving the accumulation was solely for the purpose of facilitating proper recovery, treatment or disposal.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§273.35(c)</u>	<u>Failure of Large Quantity Handler of Universal Waste to demonstrate the length of time that the universal waste was accumulated.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>§273.36</u>	<u>Failure of Large Quantity Handler of Universal Waste to ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>§273.37(a)</u>	<u>Failure of Large Quantity Handler of Universal Waste to immediately contain any releases or residues of universal waste.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§273.37(b)</u>	<u>Failure of Large Quantity Handler of Universal Waste to determine if any material resulting from the release of universal waste is hazardous, and to properly manage the waste.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§273.38(a)</u>	<u>Large Quantity Handler of</u>	<u>\$3,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
	<u>Universal Waste sent or took universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination</u>			
<u>§273.38(b)</u>	<u>Failure of Large Quantity Handler of Universal Waste who self-transport to comply with the requirements at 40 C.F.R. §273 Subpart D and N.J.A.C. 7:26A-7.4.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>§273.38(c)</u>	<u>Failure of Large Quantity Handler of Universal Waste to properly package, label, mark, placard or complete the proper shipping papers for shipments of universal waste which are hazardous materials.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>§273.38(d)</u>	<u>Failure of the originating handler to ensure that the receiving handler agrees to accept the universal waste.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>§273.38(e)</u>	<u>Failure of Large Quantity Handler of Universal Waste to receive back or agree on an alternate facility for rejected shipments of universal waste.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§273.38(f)</u>	<u>Failure of Large Quantity Handler of Universal Waste to properly reject shipments of universal waste</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§273.38(g)</u>	<u>Failure of Large Quantity Handler of Universal Waste to immediately notify the Department if an illegal shipment of hazardous waste, that was shipped as universal waste, is received.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§273.38(h)</u>	<u>Failure of Large Quantity</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
	<u>Handler of universal waste receiving non-hazardous, non-universal waste to manage such waste in accordance with N.J.A.C. 7:26.</u>			
<u>§273.39(a)1</u>	<u>Failure of Large Quantity Handler of Universal Waste to record the name and address of the originating universal waste handler or foreign shipper from whom the universal waste was sent.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>§273.39(a)2</u>	<u>Failure of Large Quantity Handler of Universal Waste to record the quantity of each type of universal waste received.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>§273.39(a)3</u>	<u>Failure of Large Quantity Handler of Universal Waste to record the date of receipt of the shipment of universal waste.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>§273.39(b)1</u>	<u>Failure of Large Quantity Handler of Universal Waste to record the name and address of the universal waste handler, destination facility, or foreign destination to whom universal waste was sent.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>§273.39(b)2</u>	<u>Failure of Large Quantity Handler of Universal Waste to record the quantity of each type of universal waste sent.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>§273.39(b)3</u>	<u>Failure of Large Quantity Handler of Universal Waste to record the date the shipment of universal waste left the facility.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>§273.39(c)</u>	<u>Failure of Large Quantity Handler of Universal waste to retain the records for at least three years.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>§273.40(a)</u>	<u>Failure of Large Quantity Handler of Universal Waste to comply with the requirements of a primary exporter when shipping universal waste to a foreign destination.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>§273.40(b)</u>	<u>Large Quantity Handler of Universal Waste exported universal waste without consent of the receiving country and/or not in conformance with EPA Acknowledgement of Consent.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§273.40(c)</u>	<u>Failure of Large Quantity Handler of Universal Waste that exported universal waste to provide a copy of the EPA Acknowledgement of Consent to the transporter.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>Management standards for Large Quantity Handlers (N.J.A.C. 7:26A)</u>				
<u>7:26A-7.5(b)1</u>	<u>Failure of Large Quantity Handler of Universal Waste to place any consumer electronic that shows evidence of leakage, spillage, or damage that could cause leakage, in a container that is closed, structurally sound, compatible with the contents of the consumer electronics, and non-leaking.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-7.5(b)2</u>	<u>Large Quantity Handler of Universal Waste conducted disassembling or processing on consumer electronics without applying for a Class D Approval.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-7.5(c)1</u>	<u>Failure of Large Quantity Handler of Universal Waste to place a universal waste mercury-containing device that shows evidence of leakage, spillage, or</u>	<u>\$3,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
	<u>damage that could cause leakage into a container that is closed, structurally sound, compatible with the contents of the mercury-containing devices, and non-leaking.</u>			
<u>7:26A-7.5(c)2i</u>	<u>Failure of Large Quantity Handler of Universal Waste to remove mercury-containing ampules in a manner designed to prevent breakage of the ampules.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-7.5(c)2ii</u>	<u>Failure of Large Quantity Handler of Universal Waste to remove mercury-containing ampules only over or in a containment device.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-7.5(c)2iii</u>	<u>Failure of Large Quantity Handler of Universal Waste to ensure that a mercury clean-up system is readily available to immediately transfer any mercury, resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of 40 C.F.R. §262.34.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-7.5(c)2iv</u>	<u>Failure of Large Quantity Handler of Universal Waste to immediately transfer any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 40 C.F.R. §262.34.</u>	<u>\$1,000</u>	<u>M</u>	<u>1</u>
<u>7:26A-7.5(c)2v</u>	<u>Failure of Large Quantity Handler of Universal Waste to ensure that the area in which</u>	<u>\$3,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
	<u>mercury-containing ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA permissible exposure levels for mercury.</u>			
<u>7:26A-7.5(c)2vi</u>	<u>Failure of Large Quantity Handler of Universal Waste to ensure that employees removing mercury-containing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-7.5(c)2vii</u>	<u>Failure of Large Quantity Handler of Universal Waste to store mercury-containing ampules in closed, non-leaking containers that are in good condition.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-7.5(c)2viii</u>	<u>Failure of Large Quantity Handler of Universal Waste to pack mercury-containing ampules in containers with packing materials adequate to prevent breakage during storage, handling, and transportation.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-7.5(c)3</u>	<u>Failure of Large Quantity Handler of Universal Waste, who removes mercury-containing ampules, to determine if the waste generated exhibits a characteristic of hazardous waste, and to manage the waste in compliance with all appropriate regulations.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26A-7.5(d)</u>	<u>Failure of Large Quantity Handler of Universal Waste to manage universal waste finishes in its original packaging.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26A-7.5(d)1</u>	<u>Failure of Large Quantity Handler of Universal Waste to place any universal waste finish that shows evidence of leakage, spillage, or damage that could cause leakage in a container that is closed, structurally sound, compatible with the contents of the universal waste finish, and non-leaking.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-7.5(d)2</u>	<u>Large Quantity Handler of Universal Waste conducted disassembling or processing activities on universal waste finishes without applying for a Class D Approval.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26A-7.5(e)</u>	<u>Failure of Large Quantity Handler of Universal Waste to submit a report to the Department documenting the types and amounts of universal waste which were received, stored and shipped in the preceding calendar year.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>Labeling of containers of additional universal wastes (N.J.A.C. 7:26A)</u>				
<u>7:26A-7.7(a)</u>	<u>Failure to accumulate universal waste consumer electronics devices in a closed container that is clearly marked with the words Universal Waste-Consumer Electronics.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-7.7(b)</u>	<u>Failure to accumulate universal waste mercury-containing devices in a closed container that is clearly marked with the words Universal Waste-Mercury-Containing Devices.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26A-7.7(c)</u>	<u>Failure to mark a container, tank, transport vehicle or other</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
	<u>vessel in which oil-based waste finishes are contained, with the words Universal Waste-Oil-Based Finish.</u>			
Universal Waste-Transporter Requirements (40 CFR)				
<u>§273.51</u>	<u>Failure of Universal Waste Transporter to comply with universal waste prohibitions.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>§273.52(a)</u>	<u>Failure of Universal Waste Transporter to comply with USDOT requirements for universal waste which meets the definition of a hazardous material.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>§273.52(b)</u>	<u>Universal Waste Transporter described a universal waste with the words hazardous waste or N.O.S. or included the word waste in the shipping description.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>§273.53</u>	<u>Universal Waste Transporter stored universal waste at a transfer facility for greater than 10 days without being in compliance subpart B or C of 40 C.F.R. §273.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>§273.54(a)</u>	<u>Failure of Universal Waste Transporter to immediately contain any releases or residues of universal waste.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§273.54(b)</u>	<u>Failure of Universal Waste Transporter to determine if any material resulting from the release of universal waste is hazardous, and to properly manage the waste.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§273.55(a)</u>	<u>Universal Waste Transporter sent or took universal waste to a place other than another universal waste handler, a</u>	<u>\$5,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
	<u>destination facility, or a foreign destination</u>			
<u>§273.55(b)</u>	<u>Failure of Universal Waste Transporter to properly describe, on the shipping paper, any universal waste that meets the definition of a hazardous material.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>§273.56</u>	<u>Universal Waste Transporter accepted a shipment of universal waste, to be shipped to a foreign destination, knowing the shipment did not conform to the EPA Acknowledgement of Consent.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§273.56(a)</u>	<u>Failure of Universal Waste Transporter exporting universal waste to ensure that a copy of the EPA Acknowledgement of Consent accompanied the shipment.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>§273.56(b)</u>	<u>Failure of Universal Waste Transporter exporting universal waste to ensure that the waste was delivered to the facility designated by the person initiating the shipment.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>Universal Waste-Destination Facility Requirements (40 CFR)</u>				
<u>§273.60(a)</u>	<u>Failure of owner or operator of a Universal Waste Destination Facility to comply with the requirements of 40 C.F.R. Parts §§124, 264 through 266 and 270, as incorporated by reference at N.J.A.C. 7:26G, and the notification requirement under Section 3010 of RCRA.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>§273.60(b)</u>	<u>Failure of owner or operator of a Universal Waste Destination</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
	<u>Facility, that recycles a particular universal waste without storing that universal waste before it is recycled, to comply with 40 C.F.R. §261.6(c)(2) as incorporated by reference at N.J.A.C. 7:26G-5.</u>			
<u>§273.61(a)</u>	<u>Owner or operator of a Universal Waste Destination Facility sent or took universal waste to a place other than a universal waste handler, another destination facility or foreign destination.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§273.61(b)</u>	<u>Failure of owner or operator of a Universal Waste Destination Facility to properly reject shipments of universal waste</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§273.61(c)</u>	<u>Failure of owner or operator of a Universal Waste Destination Facility to immediately notify the Department if an illegal shipment of hazardous waste, that was shipped as universal waste, is received.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§273.62(a)1</u>	<u>Failure of owner of operator of a Universal Waste Destination Facility to record the name and address of the originating universal waste handler or foreign shipper from whom the universal waste was sent.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>§273.62(a)2</u>	<u>Failure of owner of operator of a Universal Waste Destination Facility to record the quantity of each type of universal waste received.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>§273.62(a)3</u>	<u>Failure of owner or operator of a Universal Waste Destination Facility to record the date of</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
	<u>receipt of the shipment of universal waste.</u>			
<u>§273.62(b)</u>	<u>Failure of owner or operator of a Universal Waste Destination Facility to keep records for three years.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
	Universal Waste - Import Requirements (40 CFR)			
<u>§273.70</u>	<u>Failure of Universal Waste Transporter, managing universal waste that was imported from a foreign country, to comply with the requirements of 40 C.F.R. §273 Subpart D immediately after waste was received in the United States.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>§273.70(b)</u>	<u>Failure of Small or Large Quantity Handlers of Universal Waste, managing universal waste that was imported from a foreign country, to comply with the requirements of 40 C.F.R. §273 Subpart B or C after waste was received in the United States.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>§273.70(c)</u>	<u>Failure of owner or operator of a Universal Waste Destination Facility, managing universal waste that was imported from a foreign country, to comply with the requirements of 40 C.F.R. §273 Subpart E after waste is received in the United States.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>

N.J.A.C. 7:26-5.5 – 5.9 (no change)

N.J.A.C. 7:26-5.10 (Re-codify current title and text as **N.J.A.C. 7:26-5.11**)

(a) The Department or local government agency will provide a grace period for any violation identified as minor in accordance with the table at N.J.A.C. 7:26-5.4(g) and N.J.A.C. 7:26H-5.18(f), provided that:

(1) The violation is not the result of the purposeful, knowing, reckless or criminally negligent conduct of the person responsible for the violation;

(2) The activity or condition constituting the violation has existed for less than 12 months prior to the date of discovery by the Department;

(3) The person responsible for the violation has not been identified in a previous enforcement action by the Department or local government agency as responsible for a violation of the same requirement of the same permit within the preceding 12 month period;

(4) In the case of a violation that does not involve a permit, the person responsible for the violation has not been identified in a previous enforcement action by the Department or local government agency as responsible for the same or a substantially similar violation within the preceding 12 month period.

(b) Where the Department or local government agency discovers a violation which is designated as minor in accordance with the table at N.J.A.C. 7:26-5.4(g) or N.J.A.C. 7:26H-

5.18(f), and in accordance with (a), above, it will issue an order or notice of violation to the person responsible for the minor violation which:

1. Identifies the condition or activity that constitutes the violation and the specific statutory and regulatory provision or other requirement violated; and

2. Notifies the person responsible for the violation that a penalty may be imposed unless the activity is achieved within the time period provided for the violation as set forth in the table at N.J.A.C. 7:26-5.4(g) and N.J.A.C. 7:26H-5.18(f).

(c) If a person responsible for a minor violation corrects that violation and achieves compliance within the period specified in the order or notice of violation issued pursuant to this section, the Department or local government agency will not impose a penalty for the violation.

(d) If the person responsible for the violation fails to achieve compliance within the period of time specified in the order or notice of violation, the Department or local government agency may, in accordance with the provisions of this chapter, impose a penalty which is retroactive to the date the enforcement document was first issued.

7:26H-5.18. Penalties for violation of rules adopted pursuant to the Act

(a) through (e) – No changes.

[(f) The rule summary in this subsection, which summarizes certain provisions in this

chapter, is provided for informational purposes only. In the event that there is a conflict between the rule summary in this subsection and a provision in this chapter, then the provision in this chapter shall prevail.

1. The violations of N.J.A.C. 7:26H-1, General Requirements, and the penalty amounts for each violation are as set forth in the following table.

<u>Citation</u>	<u>Summary</u>	<u>Base Penalty</u>
7:26H-1.6(a)	Failure to obtain a Certificate of Public Convenience and Necessity prior to engaging in the business of solid waste collection or solid waste disposal.	\$5,000
7:26H-1.6(c)	Failure of solid waste utility to have a Certificate of Public Convenience and Necessity when bidding for a solid waste contract.	\$5,000
7:26H-1.12(c)	Failure of the disposal utility to file rate revisions, in accordance with N.J.A.C. 7:26H-3.10, for services which do not increase charges above the peak rate.	\$1,000
7:26H-1.12(d)	Failure of the disposal utility to file rate revisions, in accordance with N.J.A.C. 7:26H-3.11, for services which increase charges above the peak rate.	\$2,500
7:26H-1.14(a)	Failure of solid waste utility to furnish safe, adequate, and proper service.	\$2,000
7:26H-1.14(d)	Failure of collection utility to file a petition with the Department prior to discontinuing service to a customer, which petition shall give the reasons for such discontinuance.	\$1,000
7:26H-1.14(e)	Failure of solid waste utility to file a report with the Department when service to a customer is interrupted and it appears that the interruption will continue for more than one day or one pick up.	\$250
7:26H-1.20(b)1	Failure of solid waste utility to ensure all records are maintained at an office in the State of New Jersey unless	\$1,000

otherwise approved by the Department.

7:26H-1.20(b)3	Failure of solid waste utility to notify the Department of the location of the office or offices where records pertaining to the provision of solid waste services are maintained.	\$500
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7:26H-1.20(c)	Failure of solid waste utility to retain all documents for at least five years from the date that the documents were due or created, and at the office of the solid waste utility.	\$1,000
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7:26H-1.21	Failure of solid waste utility to file evidence of insurance.	\$5,000
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7:26H-1.24(b)	Failure of solid waste utility to have a lease on file with the Department for the use of all property, equipment and facilities which are used to provide service and are not owned by the utility.	\$2,000
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2. The violations of N.J.A.C. 7:26H-3, Transactional Filings, and the penalty amounts for each violation are as set forth in the following table.

<u>Citation</u>	<u>Summary</u>	<u>Base Penalty</u>
7:26H-3.2(a)	Failure of solid waste utility to receive authorization of the Department prior to consummating the sale, transfer, or encumbrance of the assets of the solid waste utility or any change in majority control of such utility.	\$3,000
7:26H-3.2(c)	Failure of the solid waste utility to ensure notice of sale appears in newspapers at least thirty (30) days before sale occurs.	\$1,000
7:26H-3.3(a)	Failure of solid waste utility to petition for authority to transfer capital stock; Transfer without authorization.	\$3,000
7:26H-3.4(a)	Failure of solid waste utility to obtain Department approval prior to consolidating or merging with another solid waste utility, merging or consolidating with any other person or business concern, or dissolution of the solid waste utility.	\$3,000
7:26H-3.5(a)	Failure of solid waste utility to petition the Department for	\$3,000

authority to issue stocks, bonds, notes, other evidence of indebtedness or to execute mortgages and comply with requirements thereof.

7:26H-3.6(a)	Failure of solid waste utility to file a Notice of Intent and obtain Department approval prior to entering into a management agreement with any person.	\$3,000
7:26H-3.6(c)	Failure of solid waste utility to ensure a Notice of Intent to enter into a management agreement appears in newspapers at least 30 days prior to the completion of the transaction.	\$1,000
7:26H-3.7(a)	Failure of solid waste utility to receive approval of the Department prior to taking any action which would cause a change in the utility's depreciation rates.	\$2,500

3. The violations of N.J.A.C. 7:26H-4, Solid Waste Tariffs, and the penalty amounts for each violation are as set forth in the following table.

<u>Citation</u>	<u>Summary</u>	<u>Base Penalty</u>
7:26H-4.2(a)	Failure of solid waste utility to file a tariff and maintain a copy for public inspection.	\$3,000
7:26H-4.4(a)1	Failure of utility customer to allow unencumbered access to containers. All containers and areas from which solid waste is to be collected shall be kept free from all hazards and potential hazards.	\$250
7:26H-4.4(a)2	Failure of solid waste utility to comply with collection service provisions of the approved tariff.	\$2,000
7:26H-4.4(a)3	Failure of solid waste utility to assist customers in the selection of the rate schedule most favorable for their individual requirements.	\$1,000
7:26H-4.4(a)4	Failure of solid waste utility to identify in the tariff, miscellaneous collection services, prior to providing any of these same services.	\$750
7:26H-4.4(a)6	Failure of solid waste utility to ensure that loads of solid waste and designated source separated recyclable materials are not commingled; Disposing of leaves in any manner that differs from that outlined in N.J.S.A. 13:1E-99.21.	\$2,500
7:26H-4.4(a)7	Failure of solid waste utility to make a pick up, not later than the	\$1,000

next regularly scheduled collection day should the collector fail to pick up solid waste on a regularly scheduled day.

7:26H-4.4(a)9	Failure of the collector to provide the customer at least 10 days written notice of its intention to discontinue service.	\$1,000
7:26H-4.4(b)3	Failure of solid waste utility to include all required items, listed separately, on all bills for collection.	\$1,000
7:26H-4.7(a)1	Failure of the disposal utility to operate according to the schedule contained in its permits and approved tariff; Failure to ensure all hours and rates are publicly posted.	\$1,000
7:26H-4.7(b)2	Failure of the disposal utility to comply with billing and invoicing requirements.	\$1,000
7:26H-4.7(b)4	Failure to comply with the facility's applicable rate schedule by assessing a late payment charge on an unpaid bill when such a charge is not provided for in the disposal facility's applicable rate schedule approved by the Department.	\$1,000
7:26H-4.7(c)1	Failure of the solid waste utility to comply with advanced payment account requirements.	\$2,500

4. The violations of N.J.A.C. 7:26H-5, Solid Waste Collection Regulatory Reform, and the penalty amounts are as set forth in the following table.

<u>Citation</u>	<u>Summary</u>	<u>Base Penalty</u>
7:26H-5.4(a)	Failure of the solid waste collector to charge or receive only those rates or charges for solid waste collection service which would result from effective competition. No solid waste collector shall charge or receive rates or charges for solid waste collection service which are greater than or less than rates or charges what would result from effective competition.	\$2,500
7:26H-5.6(a)	Failure of solid waste utility to pay annual utility fee.	\$1,000
7:26H-5.9(c)1	Failure of solid waste utility to submit annual Customer List	\$1,000
7:26H-5.9(c)7	Failure of solid waste utility to maintain customer lists in proper	\$2,500

format and available for inspection.

7:26H-5.12(a)	Failure of the collector to notify customers at least once each year that solid waste collection services in this State are available on a competitive basis and include with that notice a complete copy of a customer bill of rights.	\$2,000
7:26H-5.12(b)5	Failure of the solid waste collector to handle customer complaints in a prompt, courteous, and efficient manner.	\$1,000
7:26H-5.12(b)6	Failure of the solid waste collector to remove and transport solid waste in an environmentally sound manner that safeguards the public health and preserves the quality of the environment.	\$1,000
7:26H-5.12(b)7	Failure of the solid waste collector to notify its customers in writing at least 10 days prior to any increase or decrease in rates.	\$1,500
7:26H-5.12(b)9	Failure of the solid waste collector to remove its container or other equipment from the customer's premises within three days of the effective date of discontinuance regardless of the status of the account.	\$1,000
7:26H-5.12(b)15	Failure of the solid waste collector to transmit copies of any notice of discontinuance of service to the Department at the same time it is transmitted to the customer.	\$500
7:26H-5.12(b)16	Failure of solid waste utility to ensure solid waste services contracts or agreements do not include any clause which calls for automatic renewal of the contract or agreement.	\$1,000
7:26H-5.12(b)17	Failure of collection utility to display their name, as it appears on their Certificate of Public Convenience and Necessity, and any "trading as" name on all vehicles and containers.	\$1,000
7:26H-5.12(c)	Failure of collector to include in the customer bill of rights all the information set forth at N.J.A.C. 7:26H-5.12(c)1-17.	\$1,000
7:26H-5.12(d)	Failure of the collector to submit a certification to the Department certifying that each customer was provided with a customer bill of rights.	\$500

5. The violations of N.J.A.C. 7:26H-6, Uniform Bid Specifications for Municipal Solid

Waste Collection Contracts and the penalty amounts are as set forth in the following table.

<u>Citation</u>	<u>Summary</u>	<u>Base Penalty</u>
7:26H-6.15(b)	Failure of the contractor to promptly and properly attend to all complaints of residents and all notices, directives and orders of the contract administrator within 24 hours of the receipt of same; to keep a record of complaints and the date and time of the responses to such complaints, as well any action taken; to provide a written summary of all complaints and responses to the contract administrator each month.]	\$1000

(f) The rule summary in this subsection, which summarizes certain provisions in this chapter, is provided for informational purposes only. In the event that there is a conflict between the rule summary in this subsection and a provision in this chapter, then the provision in this chapter shall prevail.

1. The violations of N.J.A.C. 7:26H-1, General Requirements, and the penalty amounts for each violation are as set forth in the following table.

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non-Minor</u>	<u>Grace Days Provided</u>
<u>7:26H-1.6(a)</u>	<u>Failure to obtain a Certificate of Public Convenience and Necessity prior to engaging in the business of solid waste collection or solid waste disposal.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26H-1.6(c)</u>	<u>Failure of solid waste utility to have a Certificate of Public Convenience and Necessity when bidding for a solid waste contract.</u>	<u>\$5,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26H-1.12(c)</u>	<u>Failure of the disposal utility to file rate revisions, in accordance with N.J.A.C. 7:26H-3.10, for services which do not increase charges above the peak rate.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26H-1.12(d)</u>	<u>Failure of the disposal utility to file rate revisions, in accordance with N.J.A.C. 7:26H-3.11, for services which increase charges above the peak rate.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26H-1.14(a)</u>	<u>Failure of solid waste utility to furnish safe, adequate, and proper service.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26H-1.14(d)</u>	<u>Failure of collection utility to file a petition with the Department prior to discontinuing service to a customer, which petition shall give the reasons for such discontinuance.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26H- 1.14(e)</u>	<u>Failure of solid waste utility to file a report with the Department when service to a customer is interrupted and it appears that the interruption will continue for more than one day or one pick up.</u>	<u>\$250</u>	<u>M</u>	<u>30</u>
<u>7:26H-1.20(b)1</u>	<u>Failure of solid waste utility to ensure all records are maintained at an office in the State of New Jersey unless otherwise approved by the Department.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26H-1.20(b)3</u>	<u>Failure of solid waste utility to notify the Department of the location of the office or offices where records pertaining to the provision of solid waste services are maintained.</u>	<u>\$500</u>	<u>M</u>	<u>30</u>

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26H-1.20(c)</u>	<u>Failure of solid waste utility to retain all documents for at least five years from the date that the documents were due or created, and at the office of the solid waste utility.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26H-1.21</u>	<u>Failure of solid waste utility to file evidence of insurance.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26H-1.24(b)</u>	<u>Failure of solid waste utility to have a lease for the use of all property, equipment and facilities which are used to provide service and are not owned by the utility.</u>	<u>\$2000</u>	<u>NM</u>	
<u>7:26H-1.24(b)</u>	<u>Failure of solid waste utility to have file lease with the Department for the use of all property, equipment and facilities which are used to provide service and are not owned by the utility.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>

2. The violations of N.J.A.C. 7:26H-3, Transactional Filings, and the penalty amounts for each violation are as set forth in the following table.

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26H-3.2(a)</u>	<u>Failure of solid waste utility to receive authorization of the Department prior to consummating the sale, transfer, or encumbrance of the assets of the solid waste utility or any change in majority control of such utility.</u>	<u>\$3,000</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26H-3.2(c)</u>	<u>Failure of the solid waste utility to ensure notice of sale appears in newspapers at least 30 days before sale occurs.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26H-3.3(a)</u>	<u>Failure of solid waste utility to petition for authority to transfer capital stock; Transfer without authorization.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26H-3.4(a)</u>	<u>Failure of solid waste utility to obtain Department approval prior to consolidating or merging with another solid waste utility, merging or consolidating with any other person or business concern, or dissolution of the solid waste utility.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26H-3.5(a)</u>	<u>Failure of solid waste utility to petition the Department for authority to issue stocks, bonds, notes, other evidence of indebtedness or to execute mortgages and comply with requirements thereof.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26H-3.6(a)</u>	<u>Failure of solid waste utility to file a Notice of Intent and obtain Department approval prior to entering into a management agreement with any person.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26H-3.6(c)</u>	<u>Failure of solid waste utility to ensure a Notice of Intent to enter into a management agreement appears in newspapers at least 30 days prior to the completion of the transaction.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26H-3.7(a)</u>	<u>Failure of solid waste utility to receive approval of the Department prior to taking any action which would cause a change in the utility's depreciation rates.</u>	<u>\$2,500</u>	<u>NM</u>	

3. The violations of N.J.A.C. 7:26H-4, Solid Waste Tariffs, and the penalty amounts

for each violation are as set forth in the following table.

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26H-4.2(a)</u>	<u>Failure of solid waste utility to file a tariff and maintain a copy for public inspection.</u>	<u>\$3,000</u>	<u>NM</u>	
<u>7:26H-4.4(a)1</u>	<u>Failure of utility customer to allow unencumbered access to containers. All containers and areas from which solid waste is to be collected shall be kept free from all hazards and potential hazards.</u>	<u>\$250</u>	<u>M</u>	<u>30</u>
<u>7:26H-4.4(a)2</u>	<u>Failure of solid waste utility to comply with collection service provisions of the approved tariff.</u>	<u>\$2,000</u>	<u>NM</u>	
<u>7:26H-4.4(a)3</u>	<u>Failure of solid waste utility to assist customers in the selection of the rate schedule most favorable for their individual requirements.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26H-4.4(a)4</u>	<u>Failure of solid waste utility to identify in the tariff, miscellaneous collection services, prior to providing any of these same services.</u>	<u>\$750</u>	<u>M</u>	<u>30</u>
<u>7:26H-4.4(a)6</u>	<u>Failure of solid waste utility to ensure that loads of solid waste and designated source separated recyclable materials are not commingled; Disposing of leaves in any manner that differs from that outlined in N.J.S.A. 13:1E-99.21.</u>	<u>\$2,500</u>	<u>NM</u>	

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26H-4.4(a)7</u>	<u>Failure of solid waste utility to make a pick up, not later than the next regularly scheduled collection day should the collector fail to pick up solid waste on a regularly scheduled day.</u>	<u>\$1,000</u>	<u>M</u>	<u>7</u>
<u>7:26H-4.4(a)9</u>	<u>Failure of the collector to provide the customer at least 10 days written notice of its intention to discontinue service.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26H-4.4(b)3</u>	<u>Failure of solid waste utility to include all required items, listed separately, on all bills for collection.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26H-4.7(a)1</u>	<u>Failure of the disposal utility to operate according to the schedule contained in its permits and approved tariff; Failure to ensure all hours and rates are publicly posted.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26H-4.7(b)2</u>	<u>Failure of the disposal utility to comply with billing and invoicing requirements.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26H-4.7(b)4</u>	<u>Failure to comply with the facility's applicable rate schedule by assessing a late payment charge on an unpaid bill when such a charge is not provided for in the disposal facility's applicable rate schedule approved by the Department.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26H-4.7(c)1</u>	<u>Failure of the solid waste utility to comply with advanced payment account requirements.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>

4. The violations of N.J.A.C. 7:26H-5, Solid Waste Collection Regulatory Reform, and the penalty amounts are as set forth in the following table.

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26H-5.4(a)</u>	<u>Failure of the solid waste collector to charge or receive only those rates or charges for solid waste collection service which would result from effective competition. No solid waste collector shall charge or receive rates or charges for solid waste collection service which are greater than or less than rates or charges what would result from effective competition.</u>	<u>\$2,500</u>	<u>NM</u>	
<u>7:26H-5.6(a)</u>	<u>Failure of solid waste utility to pay annual utility fee.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26H-5.9(c)1</u>	<u>Failure of solid waste utility to submit annual Customer List.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26H-5.9(c)7</u>	<u>Failure of solid waste utility to maintain customer lists in proper format and available for inspection.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26H-5.12(b)</u>	<u>Failure of the collector to notify customers at least once each year that solid waste collection services in this State are available on a competitive basis and include with that notice a complete copy of a customer bill of rights.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26H-5.12(c)5</u>	<u>Failure of the solid waste collector to handle customer complaints in a prompt, courteous, and efficient manner.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26H-5.12(c)6</u>	<u>Failure of the solid waste collector to remove and transport solid waste in an environmentally sound manner that safeguards the public health and preserves the quality of the environment.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26H-5.12(c)7</u>	<u>Failure of the solid waste collector to notify its customers in writing at least 10 days prior to any increase or decrease in rates.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26H-5.12(c)9</u>	<u>Failure of the solid waste collector to remove its container or other equipment from the customers premises within three days of the effective date of discontinuance regardless of the status of the account.</u>	<u>\$1,000</u>	<u>M</u>	<u>1</u>
<u>7:26H-5.12(c)15</u>	<u>Failure of the solid waste collector to transmit copies of any notice of discontinuance of service to the Department at the same time it is transmitted to the customer.</u>	<u>\$500</u>	<u>M</u>	<u>30</u>
<u>7:26H-5.12(c)16</u>	<u>Failure of solid waste utility to ensure solid waste services contracts or agreements do not include any clause which calls for automatic renewal of the contract or agreement.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26H-5.12(c)17</u>	<u>Failure of collection utility to display their name, as it appears on their Certificate of Public Convenience and Necessity, and any trading as name on all vehicles and containers.</u>	<u>\$1,000</u>	<u>M</u>	<u>30</u>
<u>7:26H-5.12(d)</u>	<u>Failure of the collector to submit a certification to the Department certifying that each customer was provided with a customer bill of rights.</u>	<u>\$500</u>	<u>M</u>	<u>30</u>

5. The violations of N.J.A.C. 7:26H-6, Uniform Bid Specifications for Municipal Solid Waste Collection Contracts and the penalty amounts are as set forth in the following

table.

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Minor/Non- Minor</u>	<u>Grace Days Provided</u>
<u>7:26H-6.15(b)</u>	<u>Failure of the contractor to promptly and properly attend to all complaints of residents and all notices, directives and orders of the contract administrator within 24 hours of the receipt of same; to keep a record of complaints and the date and time of the responses to such complaints, as well any action taken; to provide a written summary of all complaints and responses to the contract administrator each month.</u>	<u>\$1,000</u>	<u>M</u>	<u>1</u>

Based on consultation with staff, I hereby certify that the above statements, including the Federal Standards Analysis (p. _____) addressing the requirements of Executive Order No. 27 (1994) and the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., permit the public to understand accurately and plainly the purposes and expected consequences of this proposal. I hereby authorize the proposal.

Date _____

Bradley M. Campbell, Commissioner
Department of Environmental Protection